Supreme Court of the United States

OCTOBER TERM, 1966

No. 32

JAMES R. HOFFA, PETITIONER,

vs.

UNITED STATES.

No. 33

THOMAS EWING PARKS, PETITIONER,

vs.

UNITED STATES.

No. 34

LARRY CAMPBELL, PETITIONER,

vs.

UNITED STATES.

No. 35

EWING KING, PETITIONER,

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ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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[fol. 6321] February 20, 1964

* * * * * * *

EWING KING, a defendant, called as a witness in his own behalf, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Brown:

* * * * * * *

[fol. 6325] Q. Do you recall the period the Commercial Carrier and Hoffa trial was going on in Nashville, Tennessee?

A. Yes, I do.

Q. Were you around the courthouse during this trial?

A. Yes, almost every day.

Q. What portion of the day or what portion of your time was spent at the courthouse?

A. Up until 1:00 in the afternoon when court adjourned.

Q. And after you would leave court usually what would you do then, Mr. King?

A. Oh, I would always generally went straight to my office to catch up on my phone calls and work that would be piling up on me for the day.

Q. Now, at this time I believe you stated you were president or business agent of Local 327 and in that capacity [fol. 6326] did you have occasion to drive Mr. Hoffa or any of his lawyers or did you have duties or did you perform any services in that regard?

A. Well, I had no duties but I did perform services of trying to make available the automobiles in the mornings for Mr. Hoffa or whoever might be wanting to go to court by going to the hotel and picking them up.

[fol. 6327] Q. They have introduced a picture showing—I believe you saw it when it was originally introduced, showing you and Mr. Hoffa at the airport; is that when you met Mr. Hoffa when he arrived at Nashville?

A. Yes, sir. Yes, sir.

Q. Where did you take him?

A. I took him to the hotel.

Q. That picture, does it have any meaning other than that to you?

A. No, sir, it does not.

Mr. Neal: Objection, Your Honor.

By Mr. Brown:

Q. After you returned Mr. Hoffa and his lawyer to the hotel, what, if anything, did you usually do in the day, Ewing? Mr. King, excuse me.

A. Mr. Brown, to the best of my recollection if I ever took Mr. Hoffa or any of the party to the hotel after court it would have only been a very few times and would have only been to the door and let them out because it was raining or something of that nature. I never went to the hotel after court with the gentlemen.

Q. During this period how much time would you say your best estimate as to how much time you spent with Mr. Hoffa and his lawyers at their headquarters in the hotel?

A. Well, as I have said, in the mornings Mr. Brown, [fol. 6328] I would go to the hotel and sometimes I would have a cup of coffee, say, five or six or seven or eight minutes, then we would go on to court. And then in the evenings after I had finished my work load, I normally would return back to the hotel and stay an hour, thirty minutes, up to a couple of hours.

Q. Did you often have occasion to eat with Mr. Hoffa and his group?

A. No, sir, I did not.

Q. Did you ever go to O'Brien's Beefery with any group that included Mr. Hoffa?

A. No, sir, and I don't even know where O'Brien's Beefery is.

Q. Did you know Edward Partin prior to the trial in Nashville?

A. I did not. I may have seen him around a convention or some union meeting but I did not know Mr. Partin.

Q. Was your Local 327 even in the same conference as Mr. Partin's?

A. No, sir, we are affiliated with the Southeastern Conference and his local was affiliated with the Southwestern Conference.

Q. When did you first meet Partin if you remember?

A. In Nashville, I do not remember whether he introduced himself, but this was my first meeting of him to [fol. 6329] know what he was or what his duties were.

Q. That was the first occasion you had to meet him?

A. In Nashville, yes, sir.

Q. Did you have any conversations with him during the trial?

A. Brief ones, yes, sir.

Q. What, if you remember, were the topics of conversation on such occasions, these brief ones that you had?

A. Well, it was normally in the line of one day I went to pick up a tire with him for his automobile. And on this occasion Mr. Partin continued to tell me about his financial problems that he had been involved in in his local union. He also advised me that he knew of my troubles of my problems of operation in Nashville. Was offering assistance on how I could correct those things. Furthermore, he told me, well, he continued to talk to me all the time about himself and about the things he had been involved in including—,

Mr. Neal: Objection, Your Honor.

The Witness: The Negro girl that he raped in—

Mr. Hooker: (Interposing) We object, Your Honor.

The Witness: Mississippi.

Mr. Hooker: We except to that.

The Court: Sustain the exception. Disregard that statement of the witness.

[fol. 6330] By Mr. Brown:

Q. You say he offered you assistance there in Nashville, in what respect did he offer you assistance?

A. Well, along the lines, Mr. Brown, that he knew how, what the answers were and the only way that you could take care of them was eliminate the people that was giving you the problems. Such as eliminating, he called the name himself, Mr. Vestal, who he figured was my problem.

Q. Was he a previous business agent of Local 327?

A. I had defeated him in 1960, yes, sir.

Q. Did you have occasion to be around Partin much of the time while he was there and you were there in Nashville?

A. No, sir, I did not, Mr. Brown. This occasion of going to the tire store with him was the longest time I was ever in his presence and that was possibly an hour.

Q. Do you remember having any conversation with Partin or in Partin's presence during the selection of a jury in Nashville in the Hoffa trial, Commercial Carriers trial?

A. No, I do not remember him being present.

Q. Specifically, Mr. King, did you ever discuss a patrolman by the name of James Paschal with Partin or in Partin's presence?

A. I most certainly did not.

Q. Did you ever discuss a lady juror named Paschal [fol. 6331] with Partin?

A. No, sir.

Q. Now, you heard Mr. Partin testify that Mr. Hoffa was on you constantly for not getting this patrolman. Is that true?

A. That is absolutely false.

Q. Do you remember making any trips with Partin during his stay or during the trial in Nashville?

A. Yes, Mr. Brown, as I have said I went to McDowell General Tire with him to pick up a tire for his automobile.

Q. Is that the occasion you spoke of a moment ago?

A. Yes, it is.

Q. Have you ever talked with Partin about any of the people who have testified here at this trial?

A. No.

Q. Did you ever have any conversation with Mr. Partin as regards "Mutt" Pitts in any way?

A. No, sir, I did not.

* * * * * * *

[fol. 6354] Q. Did Mr. Hoffa ever ask you to endeavor to influence, intimidate, impede Mrs. Paschal or her husband in the discharge of her duty as a petit juror?

A. No, sir, he did not.

Q. Did you ever have any conversation to your knowledge regarding Mrs. Paschal with Mr. Hoffa or anyone else?

A. No, sir.

* * * * * * *

[fol. 6355] Cross examination.

By Mr. Hooker:

* * * * * * *

[fol. 6375] Q. All right. Now, I want to get you to identify another photograph. Before I get into that, Mr. King, I hand you Government's Exhibit No. 93. Will you pass this to counsel, please, Mr. Sertel?

Do you recognize yourself in that?

A. Yes, sir, I do.

Q. You recognize Mr. Hoffa?

A. Yes.

Q. You recognize Mr. Partin?

A. Well, this could be him on the side but I can't—I can't identify him by the side of his head.

[fol. 6376] Q. Do you mean you don't see him with the arrow pointing to his head?

A. Oh, yes. Yes, I do.

Q. Yes, sir, then no doubt about who that is, is there?

A. No, sir. I wouldn't say so.

Q. How many days do you suppose you saw him at the Andrew Jackson Hotel?

A. Mr. Hooker it would be hard for me to say. I saw him going and coming. Different intervals. Maybe every other day or every two or three days.

Q. You think during the 60 days of the trial that you saw Partin maybe every day, every other day, two or three days?

A. Something in that neighborhood. I could not say how much I saw him.

Q. Did you see him in Mr. Hoffa's suite?

A. I don't believe I saw him in Mr. Hoffa's suite. I saw him at the door on long intervals, many days over several days.

Q. By the way, you were in Mr. Hoffa's suite frequently, were you not?

A. Yes, sir, I was.

Q. Let me have that diagram there of the suite. Now, I have placed before you on the easel a plat or diagram [fol. 6377] whatever you want to call it, it has been identified I think as government's exhibit No. —, has it been given a number, Mr. Mansfield?

Marshal Mansfield: Exhibit 97.

By Mr. Hooker:

Q. No. 97 and ask you to look at that and see if you can identify that as being a plat of that suite.

A. Only thing I can recognize there, Mr. Hooker, would be room 740 and I believe that was Mr. Hoffa's hotel room. Other than that I am no authority on those kind of drawings at all.

Q. You are not familiar enough with it to identify it?

A. No, sir, I'm not.

Q. All right. All right. Now, you spoke of seeing Mr. Partin there in the suite. What was he doing there most of the time?

A. I did not say that.

Mr. Brown: I object to it. He said he never saw him in the suite. Saw him in the hall. Mr. Hooker is attempting to inject something in these questions. I object.

The Court: Sustain the objection.

Mr. Hooker: I misunderstood him.

By Mr. Hooker:

Q. What hall did you see him? Hall to the suite?

[fol. 6378] A. Yes, sir. I saw him in the hall to the suite.

Q. And was he guarding the door?

A. Sir?

Q. Was he standing at the door?

A. There was a period of time that he was sitting at the door, yes, sir.

Q. In other words, he had a chair there sitting at the door leading from the main hallway or the common hallway I will call it of the hotel into the hallway of the suite itself.

A. I remember no hallway in the suite to the door of the room 740.

Q. Door of the suite, all right, he was sitting in a chair at the door to that room? Was that the door to Mr. Hoffa's room?

A. 740 was, yes, sir.

* * * * * * *

[fol. 6408] Q. Now, Mr. King, when did you first become acquainted with Mr. Partin?

A. In Nashville during the trial there.

Q. Do you remember about when in the trial?

A. No, sir, I do not.

Q. Do you remember where it was when you first saw him?

A. I do not remember that either, Mr. Hooker, I am [fol. 6409] sorry but I just don't remember the first time I saw him.

Q. Did you see him—I may have asked you this, if so, I apologize for it, but I want to know, I don't recall what your answer was—did you see him on occasions in the courthouse?

A. While the trial was going on?

Q. Yes.

A. Yes, sir, I saw him around the courthouse at recesses and things of that kind.

Q. Did you ever meet with him, did you ever go to lunch, dinner or lunch with him at O'Brien's Beefery?

A. I certainly did not, no, sir, dinner, breakfast or supper.

Q. Now, I want to ask you—well, did you have any misunderstanding with Mr. Partin while he was there?

A. No, sir, I had no understanding or misunderstanding.

Q. Well, you all got along together all right?

A. Well, we got along, I don't know whether you would say together or not, he got along his way and I got along mine.

Q. And you saw, I believe, you stated, every two or three days?

A. Yes, sir, I would say that most of the time I saw him every two or three days.

[fol. 6410] Q. Do you know where he was staying?

A. And maybe some time more often than that.

Q. Sometimes more often?

A. Yes.

Q. Where else did you see him besides the times when he was sitting in a chair there by the door leading into Hoffa's room, where else did you see him besides that?

A. I saw him on the street, I saw him in the lobby, I saw him in the halls of the courthouse, I saw him in the halls of the Andrew Jackson Hotel.

Q. Andrew Jackson Hotel. Now, I want to ask you that if you stated to him that one of the jurors had a highway patrolman husband and that you were going to try to have someone contact the highway patrolman and told him about where they lived and—did you tell him that?

A. I certainly did not.

Q. You say that you never mentioned a highway patrolman to Mr. Partin?

A. I believe you heard me right, yes, sir.

Q. And you didn't say that you knew some lady that she lived out close to the highway patrolman, about 70 miles, that was a good friend of Mrs. Paschal's?

A. No, sir, I did not say that either because I didn't know any lady that lived out close.

Q. That you were going to get her to come into court?

[fol. 6411] A. The truth of the matter is, Mr. Hooker, I didn't even know where this fellow lived that you are talking about, other than Woodbury, this highway patrolman.

Q. You don't know where Paschal lives?

A. No, sir, nothing more than Woodbury, around Woodbury.

Q. You do know where Mr. and Mrs. Pitts live, don't you?

A. Well, yes, sir, I think I told you I went to their home.

Q. Didn't you say, tell him, tell Partin, that you were going to talk to her and get her to talk to Mrs. Paschal and to take her back home with her?

A. I didn't.

Q. Back home?

A. Mr. Hooker, I didn't tell Partin anything. He did most of the telling to me when I was in his presence.

Q. Well, did you tell him on another occasion that the highway patrolman and his wife had money but that they loved money and that $10,000 was a lot of money?

A. I did not nor would I have known that the highway patrolman and his wife had money because I knew nothing of these people.

Q. And you deny that you made any statement like that?

[fol. 6412] A. You heard me, sir.

Q. Now, did you have a jury list?

A. No, sir.

Q. You never at any time?

A. No, sir. I may have had one in my hand at a time but as far as having a jury list, no, sir.

Q. Well, where did you have it, in your hand?

A. Well, either be my right or left one.

Q. Well, I understand that you just have two hands, I see.

A. Yes, sir; yes, sir.

Q. But I mean whereabouts, what place?

A. What location?

Q. Yes, sir.

A. I believe it would have been in Mr. Hoffa's room that I might have had looked at it.

Q. At the Andrew Jackson Hotel?

A. Yes.

Q. How many copies of the jury list did they have up there?

A. I do not know.

Q. Well, how many did you see?

A. I said one, I believe.

Q. You had one?

A. Yes, sir, I didn't have one, I said I saw one, Mr. [fol. 6413] Hooker.

Q. Well, did you say you had it in your hand? I understood you to say you had it in your hand.

A. I said I believe I picked it up and looked at it.

Q. Picked it up?

A. And this was only after they had been made public anyway in the newspaper.

Q. In what stage of the trial was it that you saw and had in your hand this jury list?

A. I do not know, Mr. Hooker, it's probably the first week of the trial.

Q. Some time during the first week of the trial?

A. Yes, sir. I don't remember the time specifically and I wouldn't say for sure but I believe I did glance down the jury list one time in Mr. Hoffa's room and I don't think he was even present at the time, maybe I was waiting to see him.

Q. Was anybody else present when you were looking at it?

A. I don't remember anybody being there.

Q. Did you know anybody on it?

A. No, sir.

Q. Now, didn't you tell Mr. Partin that you were going to take the jury list and circulate out in the Paschal neighborhood in the afternoon and where the highway patrolman [fol. 6414] hung out, that you were going to take the jury list with him so you could get to some of his closer friends and see if they knew anybody on the jury that they could get to?

A. Now, first, Mr. Hooker, I don't know where the highway patrol hang out and again, for the sixth or seventh or eighth time, I will you that I did not tell Mr. Partin anything about the highway patrolman, Mr. Paschal, or any other patrolman.

Q. Didn't you—oh, you deny that then?

A. You heard me, sir.

Q. Then on a later occasion did you tell Partin that you thought the highway patrolman still would go along?

A. No, sir.

Q. And that you were supposed to meet with hi the following Sunday at a spring in the back of a farm, that they were going to take some coon dogs so that if anyone came upon them they could say they were coon hunting and that the meeting was supposed to take place at twelve o'clock that night?

A. Actually, Mr. Hooker, that conglomeration of words doesn't make sense to me but I am not sure what you are talking about.

Q. What I am trying to get at, did you tell Mr. Partin about this meeting that you were going to have at twelve o'clock at night out here on this road?

[fol. 6415] A. I told Mr. Partin nothing, Mr. Hooker.

Q. And when you went on that meeting that night the FBI followed you, you said, didn't you?

A. They left my home at the same time in behind me, yes, sir, the FBI, yes, sir, or some unmarked car, some unknown car did, yes, sir.

Q. Did they follow you at the filling station where you changed these cars with Mr. Broda?

A. I didn't change no cars at a filling station, plus you have to understand, Mr. Hooker, that not only was it this night but it was every time I went or came to my home that I was followed.

Q. I am asking you about this night. Did they follow you to the—it was a restaurant, wasn't it?

A. I don't know whether they—

Q. (Interposing) Did they follow you to that point?

A. Sir—

Mr. Brown: (Interposing) Let him answer, Mr. Hooker.

By Mr. Hooker:

Q. Go ahead and answer.

A. I don't know where they lost contact with us or with me but I do know that they had left, they had been parked in the shopping center and pulled out in behind me and followed me toward Murfreesboro road, traffic was pretty [fol. 6416] heavy and whether they followed me all the way I—I had already become accustomed to it and I felt that I had an escort every place I went.

Q. Did you see—

A. (Interposing) And was being protected.

Mr. Berke: Just a minute, Mr. Hooker.

By Mr. Hooker:

Q. All right. Go ahead.

A. I felt I had an escort and was being protected by the United States Government, only to find out that I wasn't.

Q. Did you see anybody waiting for you at Woodbury?

A. Sir?

Q. Did you see anybody when you got to Woodbury that looked as if they were following you?

A. I drove straight through Woodbury, Mr. Hooker, and I did not see anybody that looked as if they were waiting for me, no, sir, I did not.

[fol. 6417] Q. Do you know on that particular night—you have heard these FBI agents testify, haven't you?

A. Yes, sir, I sure have.

Q. Do you on that particular night, rainy night, when you had this meeting out here at 12:00 o'clock in front of that spring, how the FBI knew to follow you unless you had told Partin that you were going on this trip?

A. I have said to you, Mr. Hooker, that these people left home with me, I suppose that is the way, and I will go a little bit further with you to say that they knew everywhere that I went because they went with me and remained most of the time at a meeting or at the hotel or wherever I was and left with me when I left. This went on continuously all the time I was—all the time the trial was going on.

Q. Now, on that night coming back there was an FBI agent in front of you, wasn't there?

A. I don't know, sir, whether there was.

Q. Well, did you run onto a car that night that appeared to be in some sort of difficulty?

A. Yes, when I got to my home, which I have testified to, there was a car parked across the highway.

Q. Did you recognize the man?

Mr. Brown: Let him answer, Mr. Hooker, please.
Mr. Hooker: All right.

By Mr. Hooker:

[fol. 6418] Q. Go ahead if you have got anything else.

Mr. Brown: I know you don't like it.
Mr. Hooker: Yes, I like it, I want to hear more.

A. I said I picked up a car—a car picked me up when I left Old Donaldson Pike going towards my house, which was only a few hundred yards, and after turning on Benson Drive, the street I live on, here was a car parked across the road in a curve with the hood up as if he was in some difficulty.

Q. About 4:00 o'clock in the morning?

A. Well, I will say it was somewhere around 4:00 o'clock, yes.

Q. Now, unless they got the information from Mr. Partin that I asked you about, do you know how they would know to follow you to Woodbury?

Mr. Berke: If your Honor please, that would be argumentative. We want to object to that form of a question.

Mr. Hooker: Withdraw it.

The Court: Sustained.

Mr. Berke: Just a minute.

The Court: Sustained.

Mr. Berke: All right.

By Mr. Hooker:

Q. You claimed that you didn't tell Partin. Did you tell anybody else that you were going to Woodbury?

[fol. 6419] A. No, sir, Mr. Hooker, I didn't know I was going to Woodbury until I was called and asked if I could come down, I had no knowledge of going to Woodbury.

Q. Where were you when you were called?

A. I was in the living room or the den of my home at Nashville.

Q. About what time was that?

A. It must have been around 6:00 o'clock, I am not sure what time it was, but it must have been around 6:00 o'clock, I left immediately thereafter.

Q. And was that the conversation about the dog?

A. Mr. Pitts told me on the phone that one of his beagle hounds had died and he thought he knew where we could buy some more if I wanted to come down and discuss it.

Q. And discuss it?

A. Yes.

Q. So you really went down to Woodbury that night in the nighttime to discuss about buying another coon dog?

A. Mr. Hooker, you don't hunt rabbits with coon dogs.

Q. Well, beagle hounds.

A. Yes, sir.

Q. Huh?

A. Beagle hounds, that—

Q. (Interposing) You wasn't hunting rabbits that night, you were hunting jurors, weren't you?

[fol. 6420] Mr. Silets: I object.

Mr. Brown: Object.

Mr. Silets: Highly improper. Ask the Court to admonish.

Mr. Berke: We object.

Mr. Silets: Your Honor, I move that the Court withdraw a juror and declare a mistrial here. Mr. Hooker knows much better than that. We have asked 15 times for both Mr. Neal and Mr. Hooker to be admonished and every move that he is making now is calculated to prejudice these jurors and he knows it.

I ask that the Court declare a mistrial at this time.

The Court: Overrule the motion for mistrial.

Mr. Berke: If your Honor please.

The Court: Let's stay to the question.

Mr. Branstetter: All defendants join in the motion.

Mr. Berke: I believe the defendant is entitled to some protection by the Court, if your Honor please, and I think that Mr. Hooker should refrain from making such comments.

The Court: Yes, let's refrain from commenting.

Mr. Silets: I don't think that kind of admonition has been sufficient, it hasn't been sufficient in the past, and I [fol. 6421] suggest the Court severely reprimand him.

The Court: All right. Let's proceed, gentlemen.

By Mr. Hooker:

Q. Was there anything said?

Mr. Silets: May I take an exception to the Court's comments, sir?

The Court: Yes.

By Mr. Hooker:

Q. Was there anything said at the conversation at your home this night over the telephone about getting a promotion for Paschal?

A. No, sir, there was not.

Q. It was all about beagle hounds?

A. Absolutely, it was very short.

[fol. 6422] Q. And it was to buy a beagle hound to take the place of the one that had just died?

A. It was to discuss with him about the place he thought he could get some more if we wanted to buy them together, yes, sir.

Q. Did you tell any living human being with the exception of your wife before that time or at that time or at any time that night that you were going on this trip to Woodbury?

A. Did I what, Mr. Hooker?

Q. Did you tell anybody that you were going up to Woodbury that night?

A. I couldn't have told nobody I was going to Woodbury, Mr. Hooker. I didn't know I was going to Woodbury until I decided after this telephone call that I would drive down to Pitts' house.

Q. Now, when you got in touch with Mr. Broda, did you tell him you were going to Woodbury?

A. I did not, sir.

Q. And did you tell him where to meet you?

A. Yes. I asked him to meet me over at Martin's Restaurant, bring his car over there. No secret. No secret at all.

Q. Did he call you or did you call him?

A. I called him, sir.

[fol. 6423] Q. Why did you call George Broda?

A. In order to try out this 1959 Ford. Drive it on a little lengthy trip and see whether it was good or no good. Incidentally, Mr. Hooker, this is the same George Broda, he is the same one who has got one hundred jumps in the United States Army and fought in Korea and fought in World War II and worked for me two-and-a-half years.

Q. He wasn't along?

A. And who was threatened to be deported by the FBI.

Q. Since you have finished your speech, he wasn't with you when you approached this juror's husband?

A. I did not approach this juror's husband.

Q. I mean, his jumps have got nothing to do with you talking to the highway patrolman, has it?

A. No, sir, not about him jumping. But I just wanted you to know his character is of that nature.

Q. I understood that is what you wanted to show.

A. Did you understand why the government wanted to deport him?

Mr. Brown: Your Honor, I object to Mr. Hooker arguing with the witness.

The Witness: If he didn't lie on me.

The Court: Respond to the question.

By Mr. Hooker:

Q. What I want to know is, did you tell Mr. Broda that [fol. 6424] had all these jumps that you were going to Woodbury to see somebody about a beagle hound?

A. I did not.

* * * * * * *

[fol. 6495] FRANK GRIMSLEY, a witness called at the instance of the Defendant Campbell, having first been duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Branstetter:

Q. Will you state your full name, please?

A. Frank Grimsley.

Q. What is your occupation?

A. I'm an attorney with the Department of Justice, Criminal Division.

Q. Where is your office?

A. Atlanta.

Q. How long have you been an employee of the United States Government?

A. Almost three years.

Q. What are your duties in your employment?

A. As an attorney, I'm assigned to the Organized Crime and Racketeering Section. I travel around the country and participate in grand jury investigations of various activities of the underworld.

Q. Were you acquainted with a Mr. William Daniels, Assistant District Attorney of East Baton Rouge, Louisiana?

[fol. 6496] A. Yes, I am.

Q. How long have you known Mr. Daniels?

A. Since about '62.

Q. About what time in '62?

A. Say May of '62 roughly.

Q. Are you acquainted with Edward G. Partin?

A. Yes.

Q. How did you meet Mr. Edward G. Partin?

A. I had a phone call from Mr. Peter Duffey, an Assistant U. S. Attorney from New Orleans who stated to me that he had received a call from Sergeant Pitcher or Sergeant Pitcher's office, I'm not certain at this time.

Q. Did you ever meet with Mr. Partin and Mr. Daniels in the office of Sergeant Pitcher in East Baton Rouge?

A. Yes.

Q. When did this meeting occur?

A. I'd say late September or early October of 1962.

Q. Who were the parties present at this meeting besides Mr. Partin and Mr. Daniels?

A. Mr. Pitcher, Mr. Duffey, and, of course, myself.

Q. What was discussed at this meeting?

Mr. Hooker: May it please your Honor, we think there should be some limitation on this.

Mr. Branstetter: Withdraw it. Restate the question.

[fol. 6497] The Court: Sustain the objection.

By Mr. Branstetter:

Q. What was discussed in this meeting with reference to any of the defendants in this particular proceeding?

A. As to this particular proceedings nothing was discussed.

Q. Was the name of any of the defendants in this proceeding mentioned in this particular meeting?

A. Yes, sir.

Q. Were these names mentioned by Mr. Partin first?

A. I would think so.

Q. Was this the first time that you have ever seen Mr. Partin?

A. That's right. First time.

Q. Had you heard of him previously?

A. Yes.

Q. Had you investigated any of his activities previously?

A. I had not myself. The FBI and the grand jury had, yes.

Q. And you—you did have some familiarity with the investigations insofar as Mr. Partin were concerned that had gone on in Baton Rouge prior to this meeting?

A. I had heard of certain allegations.

Q. You had heard of those certain things in connection [fol. 6498] with your usual duties as an attorney for the Justice Department?

A. I would say it came to me through normal channels.

Q. Were you present at any time that there were telephone conversations between Mr. Partin and any of the defendants in this particular case?

A. No, sir.

Q. Were you present during any—, did you observe any telephonic communications or recording devices on a telephone with any of these defendants?

A. No, sir.

Q. Did you see any tapes or tape recordings of any telephonic conversations between Mr. Partin and any of these defendants?

A. Did I receive any?

Q. Did you see any?

A. Would you restate the question? I misunderstood you.

Q. Did you physically see or observe at any time any recordings of telephonic conversations between any defendant in this proceeding and the said Edward G. Partin?

A. Yes, sir, I did.

Q. When was the first time that you saw this physical recording or whatever it may be?

[fol. 6499] A. I would say probably two or three months after the telephone conversation took place.

Q. When did the telephone conversation take place?

A. As I understand it, in October of 1962. I would have seen it around November or December.

Q. Where were you when you saw this?

A. Probably in Mr. Pitcher's office.

Q. How many times did you meet with Mr. Partin in Mr. Pitcher's office? With Mr. Pitcher and/or other people present?

A. At least two times. Possibly three.

Q. Could you tell us the month in which these three meetings occurred?

A. These would have all taken place in late September or early October.

Q. All three of them?

A. Yes.

Q. Or two, if there were two, whatever you stated?

A. Right.

Q. Now in each of these meetings were the same people present?

A. I'm not certain as to Mr. Duffey.

Q. And Mr. Duffey was an Assistant United States Attorney there, I believe you said?

A. That's right.

[fol. 6500] Q. Now, how many separate transcriptions or recordings did you see or have in your possession of telephonic conversations between Partin and any of the defendants?

A. I had two.

Q. Were those two made on October 8 and October 18?

A. That sounds about right.

Q. Are these the only two transcriptions of telephonic conversations that you know took place between Partin and any of the defendants?

A. That is all I know of.

Q. In your official capacity have you been told that those are the only two recordings that were of conversations between any of these defendants and Edward G. Partin?

Mr. Neal: Your Honor, we object to that.

The Court: Sustain the objection.

Mr. Neal: And as to the competency.

Mr. Branstetter: I believe Mr. Neal is right. I believe that is an objectionable question.

The Court: This is the first time that I have been able to rule without displeasing someone.

Mr. Branstetter: We might hope that would be more frequent.

By Mr. Branstetter:

Q. Were you made aware or do you have knowledge as to whether or not there are recordings of telephonic con- [fol. 6501] versations between Mr. Partin and any of these defendants other than the two you mentioned?

Mr. Neal: Your Honor, I don't understand this procedure. Is this a discovery procedure or what is the relevancy of this matter?

Mr. Branstetter: No, it is not.

Mr. Neal: What is the relevancy as far as we are concerned with this lawsuit?

Mr. Branstetter: Could I state the relevancy we expect to show?

The Court: Well—

Mr. Branstetter: (Interposing) Mr. Partin testified as to certain—

The Court: (Interposing) Without arguing the matter, you are asking about any matter between Mr. Partin and any of the defendants?

Mr. Branstetter: Yes, with reference to Mr. Partin's testimony.

The Court: All right.

By Mr. Branstetter:

Q. Were you made aware or do you know of the existence of any telephonic recordation of telephonic conversations other than the two that you mentioned between Mr. Partin and any of the defendants in this particular case?

A. No, sir, I don't.

[fol. 6502] Q. Are you familiar with any recordings made by room bugging as that term is used, or any other method of conversations between first, Mr. Partin and any of the defendants in this particular case?

Mr. Neal: Your Honor, this is just a fishing expedition. It is not proper. We object to it.

The Court: Sustain the objection.

Mr. Branstetter: Of course, I will abide the ruling of the Court. Mr. Partin made answer to his certain questions—

The Court: (Interposing) If you want to discuss these matters, we will just ask the jury to step out.

Mr. Branstetter: I will come back to it and then we may do that, may it please the Court.

By Mr. Branstetter:

Q. Were any of the telephonic taped records turned over to you?

A. Yes. Two. The two I mentioned earlier.

Q. I beg your pardon?

A. The two I mentioned earlier.

Q. Are they now in your possession?

A. No.

Q. In whose possession are they, if you know?

A. I don't know.

Q. To whom did you deliver them?

[fol. 6503] The Court: Well, now, if it will save any time, I assume they are right here in the Court's possession.

Mr. Neal: In the Court's possession. The government turned them over to the Court and I think Mr. Branstetter is aware of that.

[fol. 6504] Mr. Branstetter: Now, may it please the Court, we have not seen them. I don't know the Court has them as a matter of having seen them, observe or heard them or read them.

The Court: I am so advising.

Mr. Schiffer: Well, Your Honor, may we have the exhibit number of those records?

Mr. Branstetter: I'd like the exhibit number.

The Court: They have not been filed as exhibits. Proceed with your examination of this witness.

Mr. Schiffer: I didn't hear Your Honor's ruling.

The Court: Proceed with the examination of this witness.

Mr. Schiffer: Your Honor, may I ask for a ruling, in other words?

The Court: Just a moment, Mr. Schiffer. Ladies and gentlemen, step out just a moment.

(Thereupon, the jury of 12 and 4 alternates were excluded from the courtroom and in their absence the following proceedings were had, to-wit:)

Mr. Schiffer: In reference to—

The Court: (Interposing) Just a moment, Mr. Schiffer.

The Marshal: Let's have quiet in the courtroom.

The Court: Now, then, gentlemen, the Court ruled the [fol. 6505] other day that it would give you an opportunity to go into these matters prior to the submission of any case to the jury. The only conclusion that the Court can draw at this time is that you are rather deliberately seeking to evade the order of the Court in that respect and try to go into these matters at this time in the presence of the jury.

Isn't this exactly what the Court ruled upon the other day, Mr. Branstetter?

Mr. Branstetter: No, may it please the Court.

The Court: That is what the Court ruled just the other day that the Court would permit you before this case was argued to go into the matter of any recorded telephone conversations. Didn't I instruct you that the other day?

Mr. Branstetter: May it please—

The Court: (Interposing) Just answer my question. Didn't I so state to you the other day?

Mr. Branstetter: You stated on a motion to suppress evidence that we would be permitted to go into it at a later date.

The Court: Well, isn't that exactly what you are trying to do now?

Mr. Branstetter: I am seeking to impeach Partin and show that he lied from this witness stand when he said he knew nothing about telephonic recordation and that is [fol. 6506] the sole purpose of going into this.

The Court: All right. If that is the sole purpose.

Mr. Branstetter: I think we have a perfect right.

Mr. Schiffer: I have a second purpose, if I may address myself, that second purpose becomes one of prime and vital importance to the Defendant Parks in this sense, what I am trying to determine here is did it happen that the prosecution turned over to the Court certain records which are not marked in evidence or for identification and hid

them in that respect from the defense, because if that occurred, Your Honor—

The Court: (Interposing) There is nothing hidden from the defense. The Court is aware that the records are here, they will be available to the defendants at the proper time. They were filed for the examination of the Court along with the response of the government and the two tapes are right here.

Mr. Schiffer: Your Honor, may I point this out to the Court as a legal proposition where the Defendant Parks is concerned, this is where I am at sea with the explanations I have heard, it's simply this, that if the prosecutor, if it be a fact that the prosecution has taken recordings or other matter, put them into a sealed envelope and given them to the Court and it has not been marked into evidence at any stage of this proceeding.

[fol. 6507] The Court: All right. If you desire we will mark them in the record at this time.

Mr. Schiffer: But it has not been up to now, Your Honor. Then I say the prosecution succeeded in making Your Honor an assistant prosecutor in this case and is using this court in an attempt, without knowledge of the defendants, to make this court an adjunct of the prosecutor without informing the defendants of that.

Your Honor, if that is not a complete violation of the constitutional rights of the defendant then where will we find a reported case showing something worse? I maintain on behalf of the Defendant Parks, and I say this respectfully for the integrity of this court, and it is the integrity of this court I believe in when I say to Your Honor—

The Court: (Interposing) Mr. Schiffer, let me just tell you the other day the government filed with the court a memoranda and attached to that memoranda were two envelopes which were delivered to the Court. They have been with the court since that time. No one has made any request for them or about them. They are nothing in the world but IBM dictaphone tapes. The Court has not—, I

do not know what is on the tapes—, I have never examined the tapes, they were delivered to the Court in that manner.

Mr. Schiffer: Well, I say to Your Honor if it was not marked in evidence that these are actual recordings when [fol. 6508] Your Honor knew all along for weeks we have been asking about recordings, the Court never went out of its way to say to the defendants, "Gentlemen, the prosecution has given me two sealed envelopes which they, the government, represents contains recordings." That means then for at least three weeks here we have been—

The Court: (Interposing) No, sir, it hasn't been for three weeks. These were delivered to the Court with a motion filed by the government within the last week, I am certain.

Mr. Schiffer: Well, then, Your Honor, to the extent of one week that we have been preparing to meet issues in this court on behalf of Mr. Parks and the other defendants, we thought we had a right to anything which we thought was illegal on the part of the government that the Court would see to it that they could not get away from that kind of an attempt here and for the first time today it is now disclosed that the prosecution used the Court to deprive the defendant of vital information as a matter of law.

Now, then how can the Court—, I beg of Your Honor—, how can the Court be used as an adjunct to the prosecutor to hide evidence and nowhere in the record disclose that these are recordings?

The Court: Mr. Schiffer, are you accusing the Court of hiding evidence?

[fol. 6509] Mr. Schiffer: I am saying they have used—

The Court: (Interposing) Are you accusing the Court of hiding—

Mr. Schiffer: (Interposing) No, I say the prosecution used the Court for that purpose the way they did it with you, Judge, they didn't make a full and clean disclosure to you. They hid the information from you and they hid it from us. We have been talking about recordations here, Your Honor.

The Court: Well, everything that—

Mr. Schiffer: (Interposing) Since we started.

The Court: Everything that has been made available to the Court will certainly be made available in the record.

Mr. Schiffer: Well, today for the first time we know that they actually did deliver something to the Court in a sealed envelope that they used the Court and made some kind of statement when they introduced it because nowhere in the record is there an identification number as an exhibit or anything in evidence.

We have been asking for records now, for this kind of record—, from the first week the trial began and up to this time we have never been given any.

Now for the first time we find out they went and gave something to the Court which we did not know of at the [fol. 6510] time and thereby succeeded in using the function of this court to hide their own illegal activities.

All I am saying to you is I believe that it is such a violation of due process and the rights of a defendant in a criminal case, and it goes so deep and offends the decency contained in the constitution of the United States that Your Honor should hold them in contempt of court for permitting the court to be used for that purpose.

It isn't as though this is new to Your Honor. Your Honor has known that we have asked about the recordings all this time and here they hide something in your possession which you didn't realize what it was as the very thing we have been claiming the government has all of the time.

The Court: Well now—

Mr. Schiffer: (Interposing) So they hide it with you so they didn't have to answer our subpoenaes.

The Court: All right.

Mr. Schiffer: That is how they avoided obeying the law. I say that so far as the Defendant Parks is concerned I move for a withdrawal of a juror at this time and I move for a mistrial and a severance because Parks can no longer

be, even on any plane, be argued that he was given a fair trial even by the prosecution and relying upon United States versus Berger I say to Your Honor, I say this with complete felicity to you and with my own integrity, and I [fol. 6511] don't put my own integrity second to anybody alive, and I say to Your Honor that at the very minimum Mr. Parks is entitled to that relief.

This is chicanery, not law.

The Court: All right.

Mr. Neal: May I make one statement on this?

The Court: Yes.

[fol. 6512] Mr. Neal: The tapes, as well as the transcription, that is the actual tapes as well as a written transcription, has been turned over to the Court and we did it pursuant to their request contained at Page 5129, this is beginning at 5128 and 5129, Mr. Silets and Mr. Haggerty asked that the tapes be turned over.

"I ask that they produce those forthwith." That's at Page 5129.

The Court says, "All right. What does the government have to say in response?" That is the Court.

I say, "Your Honor, under what authority are they asking us to produce those, your Honor? What authority do they have to call on us for anything like that?"

Mr. Silets replied, "Section 3500."

I say, "Cite the rule."

Mr. Silets says, "Section 3500 of Title 18."

Now, your Honor, we declined to turn them over to the defendant pursuant to Section 3500 because we think rightfully and correctly they are not Jencks statements, so-called Jencks statements under Section 3500.

Therefore, your Honor, at your Honor's direction we turned those over to the Court pursuant to the direction of the law.

Mr. Berke: You still reading from the record?

Mr. Neal: I am reading from exactly what happened.

[fol. 6513] Mr. Silets: Does that word occur, Mr. Neal, at 5129?

Mr. Neal: We turned them over to the Court pursuant to the requirement of the Jencks Act, Jencks statements, that if there is something that is possibly a Jencks statement turned over to the Court for the Court's perusal.

Now, the Court has both the tapes and the written transcriptions. They are clearly not 3500 material.

Mr. Silets: May I use your transcript, Mr. Neal?

Mr. Neal: Certainly.

Mr. Silets: All right. Now, as I understand Mr. Neal's remarks, your Honor, it's following this colloquy on Page 5129 that these reputed tapes were reputedly delivered to the Court.

Now, this is to me amazing because only on the 19th of February, which I gather was yesterday, the government filed something called a motion to quash and in it, in response to a subpoena served on Mr. Neal, when the subpoena requested any recordings, tapes and so forth, they said that they turned that over on the 10th of February at Page 4021.

Now, Mr. Neal says—Mr. Neal, I refer you to your own memorandum, he says it happened on Page 5129. Now, if I can point out to the Court what occurred on Page 4021 again we requested the government, made a repeated effort to disclose information and they made a—your Honor [fol. 6514] marked something as Exhibit 118 and Mr. Neal said they were turning over "all possible statements of Mr. Partin relating to matter on which he spoke to Mr. Grimsley and Mr. Daniels before the Nashville trial." And that's on Page 4021.

Now, of course, I am at a loss now to understand whether the government's position is they turned it over on the 14th, as Mr. Neal now says at Page 5129 or whether as stated in a memorandum filed with the Court that he turned it over on the 10th at Page 4021.

[fol. 6515] In this respect whichever is true, 5129, Page 5129 shows no such turnover and Page 4021 shows only a turnover of statements between Partin and Grimsley and

Daniels and nothing about a tape recording between Hoffa and Grimsley. Or Hoffa and Partin. Now Your Honor if the Court does in fact have in the court files somewhere these particular tapes my inquiry is what number is the exhibit? And secondly, ask the Court to—, I ask the Court to turn over those tapes to the defense as I had requested back on February the 10th.

The Court: Mr. Silets, there were these two envelopes that were attached to the memoranda filed by the government. As I say, I don't recall just when it was filed, but it was filed sometime within the past week. There are two IBM recording tapes in there. What they are or what they contain the Court has no knowledge.

The Court has never listened to them. They certainly will be filed as exhibits. If you request that they be filed as exhibits. And marked as exhibits in the case.

Mr. Silets: I not only request they be filed as exhibits and marked, but I also request the contents be turned over to the defense. Now, Your Honor, in order to clear this record so that other courts if they have occasion to examine this record they will specifically know what is in exhibit No. 118 because the government on this motion to quash [fol. 6516] the subpoena, turned over, Mr. Neal said that these were transcriptions turned over on February 10th at Pages 4021 and 4028. And that, if the Court will look at the transcript, refers to Exhibit No. 118. And now it appears that the government is coming in and saying they were turned over on the 14th and as a third answer the Court says that they were filed with some memorandum.

Now the defense, the record, and all interested parties are at a loss to know when what was turned over. Now I would like the record to be clarified if the Court would advise the defense what is contained in Exhibit No. 118. If that in fact contains transcriptions or tapes or whatever.

The Court: If there is any exhibit the Court does not recall the exact exhibit number. There is an exhibit number which purports to have a—, that was submitted in connection with a request for Jencks documents that purports

to have some telephone conversations. And at the appropriate time in the proceedings those will certainly be made available to the defendant. Likewise these matters which have been filed with the Court if they are the tapes of any such telephone calls, they likewise will be made available to the defendants.

But we're not going to interrupt the trial of the case and take up this matter but we will take it up as the Court instructed the other day at that time.

[fol. 6517] Mr. Silets: Your Honor, I'm not trying to subvert the Court's order and I'm not trying to obtain something the Court is now seeking not be turned over to us. I am just at a loss to understand what it was that was turned over on the 10th.

Mr. Neal: Your Honor maybe I can clear this matter up.

The Court: All right.

Mr. Neal: Pursuant to our responsibility under the Jencks act this came up two or three times, written transcriptions of the tape were turned over with the other material when the witness Partin took the stand. Were turned over to the Court. Written transcriptions.

Then on Page 5129 when Mr. Silets demanded the tapes, the tapes, we declined to turn them over to the defendant and he demanded them under Section 3500. We declined to turn the tapes over to the defendants because we contend and I think correctly that they are not Jencks statements.

So we turned them over to the Court. Now those sealed documents attached to the government's response and the statements made on Page 5129 are the actual tapes. The tapes.

The Court: This will be filed, and the envelope dated October 8, 1962 as the next exhibit in number being a sealed [fol. 6518] exhibit.

The Clerk: Exhibit 196.

(The sealed envelope dated 10-8-62 referred to above was marked for identification as Exhibit No. 196.)

The Court: The envelope dated October 18, 1962 as the next exhibit number, Exhibit No. 197.

The Clerk: Yes, sir, No. 197.

(The sealed envelope dated 10-18-62 referred to above was marked for identification as Exhibit No. 197.)

Mr. Berke: If Your Honor please, we would like to straighten out the record on one or two matters.

The Court: Yes.

Mr. Berke: First of all we would like the record to show since memorandums are not part of the record they are briefs so to speak, we would like to show that the memorandum furnished to defense counsel makes no reference to any tapes being delivered to the Court. Now we would like to find out what date that memorandum was submitted to the court. Could the Court favor us with that information?

The Court: Yes. Well, does the government remember?

Mr. Silets: Your Honor, the motion, the memorandum in support of the motion to quash the subpoena duces tecum served on Mr. Neal on the 18th was filed on the 19th according to my records.

[fol. 6519] The Court: It would be the Court's best recollection that these were filed about Tuesday of this week. Today is Thursday. Is that correct?

Mr. Berke: Yes, Your Honor.

The Court: They were filed about Tuesday of this week. As I say, the Court made no examination of them. And that as a matter of fact—

Mr. Berke: Would the 18th then be the correct date, Your Honor?

The Court: I believe that the 18th would be the correct date.

Mr. Berke: All right. We appreciate the Court giving us that information. Now is the Court advising counsel that these tapes or a transcription thereof is not information which we have been entitled to under the Jencks rule?

The Court: Yes, sir. Yes, sir. The Court's opinion is that they are not produceable under the Jencks act.

Mr. Berke: To make it absolutely clear and I'm sure I am right about this, these transcriptions, not the tapes themselves, but the transcriptions have previously been filed as a sealed exhibit. Now can we get the number of that sealed exhibit, Your Honor?

The Court: Yes, the Court will this evening go through [fol. 6520] the sealed exhibits and determine which one that is, yes, sir.

Mr. Berke: In that way we will have the date when it was filed.

Mr. Schiffer: Your Honor, with reference to—

The Court: Yes, sir, Mr. Schiffer.

Mr. Schiffer: Your Honor, with reference to the question of these recordings—

The Court: I might just say this, too, in connection with that, the Court expects and anticipates at this time that those recordings and those tapes will be made available to the defendant at the appropriate time when the Court considers the motion to suppress.

Mr. Schiffer: Your Honor, I feel so far as the Defendant Parks is concerned that by the surreptitious hiding in this fashion by the prosecution of vital records which go to the merits of part of the legal defense of this case, that so far as Mr. Parks is concerned at least I'm going to move for a mistrial because of the apparent ex parte proceedings partaken of by the prosecution and using the Court the way they did.

The Court: Yes, sir. The prosecution should, the Court wasn't aware that the motion itself did not refer to that fact. If it did not refer to the fact then I say the Court wasn't aware. The Court was under the impression that [fol. 6521] the motion or the document referred to the fact that those were being delivered to the Court. If that was not part of the document then certainly that should have been stated in the motion. The Court was under the impression that it was a part.

Mr. Schiffer: That is why I fear Your Honor was taken advantage of, too, and for that very reason now as I say, we have been deprived of a vital ten days here, possibly two weeks of preparation in the defense of Mr. Parks.

[fol. 6522] I know the other defendants are affected the same way in connection with seeing what we deemed vital that was in the possession of the government and time and again your Honor heard Mr. Neal get up and it is on the record that, well, they just didn't have these things and then they take these very things we are talking about, these recordings, and hide them with the Court and the Court doesn't know that it had them. And as a result, your Honor, we move for a mistrial because of this illegal activity on the part of the government. We ask for withdrawal of a juror and severance.

And particularly we also state the fact that there has been an ex parte proceeding in this case unknown even to the Court but yet practiced upon the Court and the defendants by the prosecution by their own statement today and by the record in this case.

[fol. 6523] Mr. Silets: May the record show that that motion is for all defendants?

The Court: All right, yes. Allow it to be made on behalf of all defendants and overruled.

Mr. Neal: In view of your Honor's remarks, let me state this, that I did not know that, it did not dawn on me that the government's response did not show that the actual tape had been turned over.

However, as your Honor will remember, some several days ago I advised defense counsel, and I will find this in the record, that we had turned over the transcription of these to the Court pursuant to the requirements of the Jencks Act.

I mentioned this—may I make a statement without being interrupted—I mentioned this at that time, your Honor, and I think I said, maybe your Honor has forgotten this, it was at that page that the counsel, defense counsel, were advised that we had turned transcriptions over.

The Court: Well, gentlemen, these matters will be gone into fully.

Mr. Neal: We didn't want to hide anything.

The Court: At the time the Court indicated it would go into them and in the manner in which the Court has indicated and—

Mr. Schiffer: (Interposing) Your Honor, at the time—[fol. 6524] The Court: (Interposing) You will have the opportunity to make appropriate motions.

Mr. Schiffer: At this time may I have a ruling upon the motions which I have made, your Honor?

The Court: Yes, I overruled those motions, Mr. Schiffer. They were made on behalf of all defendants, and I overruled them on behalf of all defendants.

Mr. Schiffer: Let me for the record take an exception especially on that point.

Mr. Haggerty: May I call the Court's attention to this matter, in compliance with our motion to produce a subpoena duces tecum the government filed an answer, it was with that answer, as I understand the record to date, that surreptitiously and deceitfully the government, in order to be able to set forth the contentions there, deliberately gave up possession of these tape recordings to your Honor.

I say I have never experienced any practice such as this. I have been somewhat suspicious at times but I have never had it proven to me that authorized attorneys in representing the government would deliberately deceive the Court and deceive their opponents in such a manner as has been done in this case and it is merely by accident, they haven't disclosed it as yet, not willingly, they handed to your Honor something which is apparent that your Honor was not familiar with, is something that your Honor [fol. 6525] hadn't an opportunity to examine and your Honor rightfully thought that if they gave it to the Court on a reply to our legal process that they would at least inform us of that fact and I will say to your Honor one of the reasons that there are so many motions and there's

so many subpoenas is the very conduct and the very practices adopted by the prosecution in this case.

[fol. 6526] Now, I say further, your Honor, I say further, your Honor, that this is the most flagrant case of deceit that I have ever had any acquaintance with and to believe that it would happen in a court of law.

I charge your Honor with nothing, you are the innocent victim of the deceit practiced by the government but you have caused—it has caused the defense here a complexity of troubles, a complexity of motions.

Instead of playing honest and honorable with their opponents, it seems that by this very act they have proved their dishonor.

Mr. Silets: Your Honor, may I make just one observation to the Court?

The Court: Yes.

Mr. Silets: The matter that was filed on the 18th was entitled "Government's Memorandum of Law and Applicability of 18 U. S. C. 3500—the transcription or recordings of telephone conversations between a government witness and a defendant taken with the consent of the witness by state law enforcement officials."

Now, at the time when I read this memorandum I noted in the body thereof a reference to a delivery to the Court of the transcription on February 10, 1964, but in line with the contentions of the defense at this moment, I must point out to the Court that the government cited the page as [fol. 6527] 2041 and 2048 when, in fact, on a later occasion they were really 4021 and 4028.

Now, at the time I think I mentioned to the Court I looked at these pages and I couldn't find anything resembling this action.

Now, in light of this, this is further evidence of the government's attempt to suppress, seclude and withdraw from the observation of both the Court and us where these things occurred.

Now, your Honor, on this additional ground I renew my motion for a mistrial.

The Court: Overrule that motion.

Mr. Haggerty: I call to your Honor's attention—

The Court: (Interposing) Excuse me just a minute. Let's get one thing at a time. I overruled the motion.

Yes, sir, Mr. Haggerty.

Mr. Haggerty: I call to your Honor's attention in this series of exchange of pleadings between government and defense counsel this morning, amazed as we were by the government's answer, without knowledge of the chicanery they had practiced, we filed a memoranda in support of our position to produce evidence based on wire taps, eavesdropping and other alleged invasions of privacy.

Now, this was just filed this morning. Mr. Neal face- [fol. 6528] tiously said, I thought facetiously, said that they were not going to reply to this. Now, I know full well why they wouldn't reply to it because they couldn't reply to it because they had already committed this act and practice of deceit.

Therefore, I refer your Honor to our serious memoranda in support of our motion to suppress evidence which I do not believe under the circumstances your Honor has yet had an opportunity to read or study.

The Court: No, sir, I have not had an opportunity. As you know, there has been a series of motions to suppress filed. I have all of those motions still under consideration and I had indicated on the original motion the procedure that the Court thought should be proper and would be the proper way to handle it and at the proper time we would take that up and the defendants certainly would be entitled to have any information that the Court was aware of in that respect.

Mr. Haggerty: I say to your Honor that the reason there has been such an interchange and there has been so many motions to suppress is because it is caused by the very acts and omissions of the government and I say to your Honor in a matter as serious as this whereas I charged fraud is practiced on the Court and deceit on the opposi-

tion, mainly the defense, your Honor shouldn't put this matter off, it should be disposed of now.

Mr. Neal: May it please the Court, I am now able to [fol. 6529] understand the perfidy, the calamity that this impeccable Mr. Haggerty engages in.

Mr. Haggerty: Afraid of the truth?

Mr. Neal: At Page 5158 of the transcript, may it please the Court, dated February 14, 1964, 5158, the following takes place, I say, "May it please the Court, before the jury comes in," I had just remembered with respect to the recordings, "there has been some examination of recordings or some discussion about recordings, may it please the Court," before the jury comes in, I had just remembered with respect to the recordings, those were turned over to the Court, I believe. I had forgotten and perhaps the Court had forgotten."

The Court says, "I haven't forgotten anything."

I say, "Sorry, I had forgotten it. They had been turned over, had been ruled on by the Court. Turned over with all other statements for determination in connection with Jencks statements and we will file a response. I had forgotten that we had turned them over."

Mr. Berke says, "Are you talking about the telephone recordings?"

I say, "Yes, sir."

Mr. Berke says, "If your Honor please, this is the first we had heard of it and we certainly want to challenge that."

[fol. 6530] And so on and so on.

Mr. Berke says again, "We are challenging Mr. Neal's statement that the recordings have been filed with the Court. I understood the Court to say that you have not seen any telephone recordings."

Now, then, your Honor, on February—

Mr. Berke: (Interposing) Read what the Court said right after that.

Mr. Neal: I will. The Court said, "I stated that everything that has been turned over to the Court has been made available to the defendants that was available in the Court's understanding of the law, everything that was not available has been sealed and is a sealed exhibit in the case."

Now, your Honor, on February the 17th Mr. Haggerty, the impeccable Mr. Haggerty—

The Court: (Interposing) Now, gentlemen, let's refrain from any adjectives in describing counsel, let's just refer to counsel by name.

Mr. Neal: I would like that, your Honor, but it's hard to have charges day after day, listen to charges day after day. I am sure your Honor will appreciate that. I will endeavor to do that, your Honor is certainly right.

Mr. Haggerty says, and he is quoting me at Page 5535, "'Mr. Neal: May it please the Court, before the jury comes [fol. 6531] in I just remembered with respect to the recordings, those were turned over to the Court.'"

That is Mr. Haggerty quoting me.

Then he stated, without any quotes, "He states recordings were turned over to the Court."

Then he starts quoting again.

The Court: Well, gentlemen.

Mr. Neal: Your Honor, this supposed Mr. Haggerty—

The Court: (Interposing) Well, gentlemen, I think the record will reflect certainly what the situation is and let's get back to the regular order of the proceedings here. The Court, as I indicated, was under the impression that the documents filed with the Court reflected just what was filed with the Court. Apparently that is not so. If the government didn't reflect that then they should have so reflected it, but the Court cannot see that anyone has been and certainly no one will be denied any of his rights in this respect and at the appropriate time we will go into it fully and the defendants will be furnished by the Court with everything that the Court deems under law that they are entitled to be furnished with and the defendants will have

an opportunity to present any matters to the Court that they desire to present.

Mr. Silets: Of course, we take an exception.

Mr. Berke: To check the record—

[fol. 6532] The Court: Beg your pardon?

Mr. Silets: May I take an exception to your Honor's comment that we have been furnished with everything that we are—

The Court: (Interposing) I say you will be furnished with everything and the Court is of the opinion that they have been furnished up to this time, yes, with everything under the law that they are entitled and at the appropriate time will be furnished with other matters that they are entitled to.

Mr. Berke: If your Honor please, I'd like the record to show that, only that what Mr. Neal was speaking of took place on February the 14th and could not have possibly meant that he had turned these recordings over which the Court has now stated occurred on the 18th.

[fol. 6533] Now what he is speaking about is the sealed exhibit of which we have no knowledge at all but the tapes and what the exhibit that your Honor is talking about which was turned over day before yesterday that would have been on the 18th, so it is impossible for us to have been misunderstood about that.

The Court: All right. Let's proceed.

Mr. Haggerty: May it please the Court, at this time I have a motion to make.

The Court: Yes, sir.

Mr. Haggerty: At this time I move the Court for a mistrial. We cannot, your Honor, continue with the trial in this atmosphere of fraud created by the government. It is absolutely impossible. The record is made. It is up to your Honor, but I say in good faith and your Honor has to notice, I have made very few motions for a mistrial in this case but I think this is one of such gravity that goes to the very roots of constitutional rights, of a defendant,

that I make as seriously at this time a motion for a mistrial because of the fraud and deceit practiced by the government on the defense and on the Court.

The Court: All right. Allow that motion to be overruled.

Mr. Schiffer: May we move for a mistrial on behalf of all defendants?

[fol. 6534] The Court: Yes, as to all defendants and overruled as to all defendants. Now, gentlemen, before we resume the examination of the witness, let's take a 10-minute recess.

Mr. Schiffer: Your Honor, before you take a recess, may I make one statement to the Court?

The Court: One moment, please.

Mr. Schiffer: Your Honor, by reason of the fact, your Honor, that we as counsel in this case and I in particular have gone through the matter of surveillance and interference and by activities as an attorney in this case for and on behalf of Mr. Parks, countless times that one could not consult during the daytime or the nighttime with a client or with witnesses, that it has led to some incidents in this courtroom wherein your Honor might have felt I was pushing too hard as a lawyer in defending Mr. Parks, I want your Honor to know that now you see physically for the first time on this record the extent to which frauds were constantly practiced upon the defendants and now we find even been practiced on the Court. And I ask your Honor to remember that in all the instances where I got up and at times your Honor I thought was trying to caution me that I was being too strenuous that your Honor should understand that our responsibilities are what they are as lawyers and that the interests of our clients come first and when we feel that the government or any repre-
[fol. 6535] sentative of the government is trying to impose illegally upon the defendants, only their counsel can speak for them.

And I should like your Honor to remember that it has now reached the point in this case where it is no longer Jacques Schiffer whom they surveil and whom they interfere with or Mr. Parks the man I represent, now they have even gone so far as to do it to the Court and because they have done it to the Court I say they have invaded the constitutional operations of this Court and that we are entitled at this time since they have done these things against counsel and defendants, now they have palpably proven and shown to have done it to the Court and we move for a mistrial at this time as the only manner in which the government can be cautioned once and for all in this trial at least that they cannot continue to do these things and the courts will not countenance them.

I assure your Honor I expect the same kind of surveillance, the same kind of illegal activity to continue so long as your Honor permits them to get away with it.

We can no longer before your Honor prove it in any other fashion than what happened here today on the issue of these recordings.

The Court: All right.

Mr. Haggerty: I call to your Honor's attention—

[fol. 6536] The Court: (Interposing) Just a moment, allow that motion to be overruled.

Mr. Haggerty: May I address the Court?

The Court: Yes, sir.

Mr. Haggerty: I call to your Honor's attention this being such a flagrant violation I think it is entirely in order that your Honor should seriously consider holding the government attorneys, particularly one of them, in contempt.

The Court: All right, let's take a 10-minute recess.

(Thereupon, at 2:57 o'clock, p.m., court was in recess.)

[fol. 6537] The Court: All right. You may proceed, Mr. Branstetter.

By Mr. Branstetter:

Q. Mr. Grimsley, after October the 22nd, 1962, what was the next time and place that you saw Mr. Partin?

A. I can't recall exactly when I saw as pertaining to that date but I know he called me a couple of times in Atlanta during October, possibly November.

Q. Yes. After the so-called United States versus Hoffa and Commercial Carriers began trial in Nashville on October the 22nd, following that time when was the next time that you talked to Mr. Partin, if you can recall?

A. It would probably have been January or February, that's face to face now.

Q. Yes. You do not think that you talked with him in the month—, in November or December of 1962?

A. Not face to face, no.

Q. You did confer with him by phone in Childersburg, Alabama, on one occasion, did you?

A. He might have—, he might have contacted me, I don't know, not me calling him.

Q. Did he contact you one time in some place in South Carolina by phone?

A. I doubt that, I don't think I have been to South Carolina.

[fol. 6538] Q. Did he contact you in Mississippi by phone?

A. No. I have never—, I never had a call from him in Mississippi.

Q. Do you recall where he was when the calls were made?

A. A lot of times I didn't ask.

Q. Did you meet face to face with him on several occasions in January of 1963?

A. I would say possibly two.

Q. Were they in relation to any of the defendants in this particular case, these meetings?

A. Not directly.

Q. Not involving the matters that are now involved, as far as you understand it.

A. That is right. Well, I'd like to clarify a little bit, we had other matters that we were discussing.

Q. Sure.

A. The names might have come up, could have come up.

Q. Could I have Exhibit 121, please? Mr. Grimsley, I will hand you here what purports to be some checks drawn on the Treasury of the United States and they, I believe, have been filed as Collective Exhibit 121, and ask you to look at them and see if you can identify them and then I will ask you.

A. (Witness examined the exhibit referred to above.)

Q. Just take the first check, if you will, and we can prob-
[fol. 6539] ably expedite it in that manner.

A. All right.

Q. Would you state what the first paper represents?

A. It's a check dated September 4, 1963, in the amount of $300.00 payable to A. Frank Grimsley.

Q. Are you the A. Frank Grimsley that it is payable to?

A. I am the A. Frank, yes.

Q. Did you endorse that particular check?

A. I did.

Q. Would you pass that to the jury, Mr. Marshal?

Now, could I show you this—, where was this particular check drawn on the Treasury of the United States cashed?

A. In Atlanta, Georgia.

Q. Then what did you do with that $300.00 when you received it?

A. That is the September one?

Q. Yes.

A. I picked up a cashier's check at the bank.

Q. About the same time?

A. On or about the same time.

Q. Under whose direction were you receiving this, did you receive this particular check?

A. Mr. Sheridan told me I would be receiving some
[fol. 6540] checks.

Q. Did you sign any receipts, vouchers, or other memoranda showing the reason for the issuance of these checks or the purpose for which they were to be issued?

A. No, I just endorsed them.

Q. Just endorsed them. Did you know in advance that you were to receive this $300.00 check?

A. Yes.

Q. How long in advance did you know you were to receive it?

A. From about the middle of July of last year.

Q. Is this the first check that you received of this type that you cashed and then used the money for other than your own use?

A. I think this check here was the second one that came, I think there was one in July. This one is dated September, there must be one in August, too. Here is July.

[fol. 6541] Q. What is the next check?

A. According to the stack here the next check is October 2, 1963.

Q. October 2, 1963?

A. That's right.

Q. Now, when—, let's take the first check and complete it if we may, when that check was issued you cashed it and obtained a cashier's check, what did you do with the cashier's check?

A. I mailed it to Mrs. E. G. Partin.

Q. And where did you mail it to? What address? Do you remember?

A. 7925 Prescott Road, Baton Rouge.

Q. Had you talked to Mrs. E. G. Partin about this particular matter previously that she would be receiving checks?

A. No, sir.

Q. Did you ever talk to Mrs. E. G. Partin prior to the time you mailed her the first check?

A. No, sir.

Q. Have you talked to her since then?

A. No, sir.

Q. Have you ever met Mrs. E. G. Partin?

A. No, sir.

Q. As far as you know, she did not know you were [fol. 6542] going to mail her the checks or what they were for. Is that correct?

A. I don't think she knew where they came from because there is no name of the remitter on the cashier's check.

Q. Would you see if you can find the cashier's check that was purchased with the check of September 1 if that is the correct date and pass it to the jury?

A. That one dated September that I passed over there?

Q. I believe it was September 1st.

A. In September there were two payments. Excuse me. One fifty each.

Q. Would you pull those two out, please, and pass them over? Could I ask, Mr. Grimsley, was there a covering letter or any designation at all sent to Mrs. Partin with these checks?

A. Nothing. I just wrapped paper around them to keep the check from showing through the envelope.

Q. Put it in an envelope and mailed it?

A. Yes.

Q. Now, who directed that you handle it in that manner?

A. I think I arrived at it, at the plan myself. Mr. Sheridan said that we were to send the money to the lady. [fol. 6543] And, of course, it was my understanding that she did not know the source of the money. So rather than get a money order, I picked up a cashier's check and made payable to her. Of course, the bank kept the name of the purchaser on their records. That is the reason we had these here.

Q. Now, would you examine the rest of those documents all at one time and see if they also represent payments to you and then your obtaining of some sort of a certified check and the mailing?

A. These are copies of cashier's checks were all based on money that I received in the amounts of $300. However,

I see here there are more checks than monies that were disbursed to her. And, of course—

Q. (Interposing) Yes, now, on those checks what disbursement did you make on those?

A. On the others?

Q. Yes.

A. To another source.

Q. To another source. Did you send—, did you mail these checks to the other sources, this other firm?

A. No. These people I delivered to them in person.

Q. Delivered to them in person?

A. Yes.

Q. How much money was involved in that?

A. There must have been close to $1,200.

[fol. 6544] Q. Around $1,200?

A. Yes. No, $900.

Q. $900?

A. Yes.

Q. Were those payments made to other women?

A. No.

Q. Or some man's wife?

A. No.

Q. Were they paid to other—

[fol. 6545] Mr. Hooker: We object to that, if Your Honor please. The exhibits that Mr. Grimsley has before him there as I see from here are photostats.

The Witness: These are—

Mr. Branstetter: May it please the Court, Mr. Grimsley is testifying.

The Court: Let him testify. See what we are talking about.

By Mr. Branstetter:

Q. How much—, did you deliver money to Mr. Partin directly?

A. Never. No.

Q. Excuse me. Go ahead.
A. No.
Q. Who was this other money paid to?

Mr. Hooker: We object to that.
The Court: Well—
Mr. Hooker: (Interposing) Withdraw the objection.
The Court: All right.

A. I can say this, it was not to anyone connected with this trial.

By Mr. Branstetter:

Q. Who was it paid to?

The Court: Did it have anything to do with this case?
[fol. 6546] The Witness: To none of these defendants, Your Honor. It was another man that was more or less away from this town.
The Court: Have anything to do with the payment to Mr. Partin or on behalf of Mr. Partin?
The Witness: Nothing in connection with the Partin matter.
The Court: Sustain the objection.

By Mr. Branstetter:

Q. Did it have anything to do with this case?
A. The one at bar? No.
Q. Did it have anything to do with the one in 1962 known as U. S. versus Hoffa and Commercial Carriers?
A. No.
Q. Directly or indirectly?
A. No.
Q. Growing out of that case or any part of this case?
A. It could have grown out of that one.

Mr. Branstetter: May it please the Court, we believe we are entitled to the person to whom it was paid under that.

The Court: For the purpose that you are introducing this evidence I sustain the objection.

Mr. Neal: May I see these a moment? I think the witness may be—

[fol. 6547] Mr. Branstetter: May it please the Court, let Mr. Neal—

The Court: He may see whatever exhibits we are talking about.

Mr. Branstetter: May we have the marshal hand them back to counsel?

Mr. Neal: Yes, that is all right. May I inquire just briefly, Your Honor, to straighten up this matter? I think I can do it.

Mr. Branstetter: May it please the Court—

Mr. Neal: (Interposing) Two questions, Your Honor.

The Court: All right. Two questions.

Voir dire examination.

By Mr. Neal:

Q. Mr. Grimsley, what was the total—

Mr. Branstetter: I want to interpose an objection to this procedure.

The Court: Yes, sir.

By Mr. Neal:

Q. What was the total amount paid to Mrs. Partin?

A. I believe the check shows $1,200.00.

Q. $1,200.00, now, sir, won't you look at these checks and tell me if in fact there is only a total of $1,200.00 in checks here?

[fol. 6548] Mr. Branstetter: May it please the Court—

The Court: (Interposing) Let's go back to the usual order of proof.

Mr. Branstetter: I don't understand this. There is no voir dire necessary in this sort of thing.

Mr. Neal: May I ask the witness to examine these and see if these are not photostats of the same checks?

The Court: All right, you can cross examine at the appropriate time.

Mr. Neal: Very well.

By Mr. Branstetter:

Q. Now on the issuance of the checks did you file any sort of accounting procedures with any governmental agency as to the receipt and disbursement of these checks?

A. Not as to these ones, no.

Q. Did you report the checks on your income tax?

A. I haven't filed yet.

The Court: What does this have to do with Mr. Partin's testimony, Mr. Branstetter? I understood that you were introducing it for—

Mr. Branstetter: (Interposing) That is the basic purpose, Your Honor. Yes, if there is other evidence or other payments that can be determined I assume we would have a right to go into it relating to any manner in this proceeding.

[fol. 6549] The Court: All right.

By Mr. Branstetter:

Q. You filed no accounting on these checks?

A. No, I haven't.

The Court: Did you receive—

Mr. Branstetter: (Interposing) We object to that. Sorry—

The Court: I thought you were—

Mr. Branstetter: (Interposing) No.

By Mr. Branstetter:

Q. Did you have any understanding with Mr. Partin as to the amount of monies that would be paid indirectly to him through he or to his wife?

A. Mr. Partin met with me in July of 1963 and at that time we felt that he should sort of not be in one place too long at the time in view of the fact that the trial was coming up. In other words, he had been informing to us and we were trying to protect his identity.

Q. He had been informer to you?

A. That's right.

Q. And he began being informer to you on the telephone call of October 8. Is that correct? 1962? Or before?

A. That was the basis for it.

Q. Yes, and he I believe as a matter of fact you stated [fol. 6550] that it was the latter part of September or first part of October that you first met with he and others?

A. That is of 1962.

Q. 1962?

A. Yes.

Q. Thank you.

A. To go back, excuse me—

Q. (Interposing) Excuse me, go ahead.

A. To go back, he said inasmuch as he wouldn't be in circulation too much he had only one request and that was for the benefit and care of his children that he would like some money to go to them. That was the only thing he needed. He could take care of himself.

Q. Was this back in September and October, 1962 or a little later or what?

A. July of 1963. '63.

Q. When he became informer was as you stated October 8 on the phone call that you referred to previously.

A. Well, I met with him in September, late September or early October so he probably started then. I guess you would say late September was the day of—

Q. (Interposing) And you had an understanding with him at that time about his method of operation to a certain extent?

A. There was no understanding at that time.

[fol. 6551] Q. But you had an understanding that he was to be the informer that you spoke of?

A. Well, he volunteered this information.

Q. Then when you started talking money with him, did you know whether or not during this period of time of 1962 and the period of time in 1963 when certain payments were made to his wife, did you know that he was then still drawing his salary with the Teamsters Union in Baton Rouge?

A. As to which date? '63 or '62?

Q. Let's take '62 first.

A. '62?

Q. Yes.

A. There were no monies paid to him or his wife.

Q. In 1963?

A. First time was in July of 1963 to his wife.

Q. Did you know whether or not he was drawing his salary from his regular source of employment at that time?

A. No, I didn't know.

Q. Did you talk to him about it?

A. He said that if he went out of circulation he would not be on the payroll.

Q. When was the first time you talked money with him?

A. July, 1963.

Q. Had you not talked money with him in September or October, 1962?

[fol. 6552] A. No, sir.

[fol. 6553] Q. Had there been any discussion of money at that particular time?

A. No, sir.

Q. When did you make the arrangements to start receiving these checks, what month?

A. July of '63.

Q. July of '63. And were those arrangements made in Atlanta or were they made in Washington?

A. In Atlanta.

Q. Did you meet with Mr. Partin in Washington, D. C., on any occasions during the middle of 1963?

A. I have never seen him in Washington or met with him.

Q. Or met with him in Washington?

A. Right.

Q. Your conferences with him were either in Louisiana or in Georgia?

A. Or Alabama.

Q. Or Alabama. Childersburg?

A. No.

Q. Birmingham?

A. Birmingham, yes.

Q. How many times did you meet with him in Birmingham?

Mr. Neal: Your Honor, is all of this relevant now that we get into this?

[fol. 6554] Mr. Branstetter: I think it is highly relevant.

Mr. Neal: I don't know for what purpose.

The Court: Overruled.

Mr. Neal: A meeting in 1963?

Mr. Branstetter: I am not talking about 1963 at this point.

Mr. Neal: Oh, you are not?

The Witness: Yes, you were.

By Mr. Branstetter:

Q. '62 did you meet in Birmingham?

A. No, no, '62 only in Louisiana and Atlanta.

Q. Did you meet with him in Chattanooga?

A. Yes, I have seen him here.

Q. Did you meet with him in Nashville?

A. No.

Mr. Neal: Would Mr. Branstetter specify the time here so the witness—you mean ever?

Mr. Branstetter: Yes.

A. In Nashville?

Q. Did you ever meet with him in Columbia, Tennessee?

A. Columbia, yes.

Q. In those meetings in Columbia and Chattanooga was it with relation to the case now on trial here?

A. When I met with him we were not discussing this case here.

[fol. 6555] Q. Here?

A. Right.

Q. You were in Columbia?

A. Columbia, Tennessee.

Q. Yes. Thank you, Mr. Grimsley.

Cross examination.

By Mr. Silets:

Q. Mr. Grimsley, who is your immediate supervisor in the Organized Crime unit?

A. Mr. Sheridan, Walter Sheridan.

* * * * * * *

[fol. 6557] By Mr. Berke:

Q. Mr. Grimsley, have you been continuing these payments to either Mr. Partin or Mrs. Partin since those checks here?

A. No, sir, these were the last ones.

Q. All right, sir.

A. This is it.

Q. Do you know whether she has received any money from the United States Government from any other source?

A. No, sir, I don't.

Q. Mr. Grimsley, I assume when you had this agreement or this information that he was going to become an informer, you knew, his record was available to you, was it not?

A. I knew of certain activities of Mr. Partin or, rather, [fol. 6558] I had heard of some.

Q. Yes, sir. The Federal Government has complete access to the criminal record or almost complete access to the criminal record of nearly everybody in the United States, do they not?

A. That's right.

Q. Did you know, sir, that at the time that you were making this deal with Mr. Partin that he was indebted to the

United States Government in an amount of $4850 and interest on some taxes?

A. What kind of a deal are you speaking of, Mr. Berke?

Q. Taxes that were due the United States Government from a service station operation that he had, a truck stop operation that he had in Louisiana.

A. You mentioned this deal I was making. What do you mean by this, sir, I don't quite follow you?

Q. When you had the deal, or whatever you had wherein he agreed to be an informer or a carrier of messages or a stool pigeon or any other method or description you want to call it, at that time did you know and at the time you were making these payments to him didn't you know that he was indebted to the United States Government in close to $5,000 in taxes which were forgiven him?

A. I don't know the amount, I knew he had some tax [fol. 6559] difficulties.

Q. Yes, sir. Now, you also knew, did you not, Mr. Grimsley, that he did own some real estate?

Mr. Neal: Excuse me just a moment, your Honor. This is obviously cross examination. I don't know—

Mr. Berke: (Interposing) Yes, sir, it is cross examination, your Honor.

The Court: Sustain the objection to the cross examination.

Mr. Berke: Does your Honor hold we can't cross examine, if your Honor please, for a defendant? I didn't put him on, if your Honor please.

The Court: State the question. Sustain the objection to the leading question.

By Mr. Berke:

Q. Mr. Grimsley, you say you did know he owed some taxes?

A. Yes.

Q. Do you know how much he owed the United States Government?

A. No.

Q. Don't you know, as a matter of fact, no effort has been, ever been made to collect those taxes?

Mr. Neal: Your Honor, that is just not true. We object to the question.

[fol. 6560] Mr. Berke: I will show it's true, if your Honor please.

Mr. Neal: We object to the question.

A. I am not in the tax department.

Q. But you know that the tax department is also a branch of the United States Government, do you not?

A. Oh, yes, sir.

Q. That's the same government that you work for?

A. We all work for, yes, sir.

Q. Now, did Mr. Partin pay you how much money he owed the United States Government?

A. No.

Q. Did you know approximately how much he owed?

Mr. Neal: Object to being repetitious.

A. No.

The Court: Sustained.

By Mr. Berke:

Q. Now, were any payments made to Mr. Daniels? You know who Mr. Daniels is?

A. None.

Q. Didn't he come up to Atlanta?

A. He paid that out of his own pocket.

Q. You say that he was not reimbursed any expenses or anything?

A. In any shape or form.

[fol. 6561] Q. Now, when you first found out that he was going to be an informer, as you classed him, did you already have his criminal record before you at that time?

Mr. Neal: Your Honor, this is repetitious.

By Mr. Berke:

Q. Or did you look it up, either—

Mr. Neal: (Interposing) Completely repetitious.

Mr. Berke: No, your Honor, I didn't ask the question.

Mr. Neal: It has been asked and answered yes, it certainly has been asked and answered.

The Court: Sustain the objection.

Mr. Neal: Before Mr. Hoffa, too, by the way.

The Court: Sustain the objection.

Mr. Schiffer: What was that remark?

The Court: Whatever it was, ladies and gentlemen, disregard it.

Mr. Schiffer: I believe that it was something that was highly prejudicial, your Honor, I move for a mistrial at this time because it's a deliberate attempt by Mr. Neal to insert things which your Honor has repeatedly told him not to do.

The Court: Overrule the motion.

Mr. Berke: May I address the Court so as not to ask a question that the Court might think is incompetent?

[fol. 6562] The Court: No, just state the question.

Mr. Berke: All right.

By Mr. Berke:

Q. Were you aware of Mr. Partin's record before or after he agreed to be the informer?

Mr. Neal: Objection as being repetitious, your Honor.

Mr. Berke: I have never asked that question. I am trying to establish that.

The Court: All right. Allow you to ask it.

A. I knew of some of it probably before and after, especially after.

Q. Especially after?

A. Yes, sir.

Q. All right. At any time after you learned of his record did you ever withdraw him as an informer?

A. I don't follow you, sir.

Q. Did you ever refuse to do any business or have any connection with Mr. Partin after you had completely checked his record?

A. No, I didn't.

Mr. Berke: Hold it just a minute, your Honor. All right, your Honor.

The Court: Mr. Silets, the government withdrew their objection to your last question.

[fol. 6563] You may ask it if you desire.

Mr. Berke: I have this question.

By Mr. Berke:

Q. Do you know William Reynolds?

A. I don't think so. Could you give me more about him?

The Court: Well.

Q. He is from Birmingham, Alabama.

A. No.

Q. When did you meet Mr. Partin in Birmingham, Alabama?

A. That would have been in '64, that would be last month, January.

Q. January, 1964?

A. Yes.

Q. Is that the only time you met him in Birmingham, Alabama?

A. That's right.

Mr. Silets: Is it the Court's position I may proceed in this matter?

The Court: I understand the gentleman after I sustained the objection, I understood them to withdraw the objection.

Mr. Hooker: Yes, sir, we did.

By Mr. Silets:

[fol. 6564] Q. All right. How long have you been with the Department of Justice, Mr. Grimsley?

A. Approximately three years.

Q. How long have you been with the organized crime unit?

A. I have been in the same unit since I arrived almost three years.

Q. Now, these particular checks that you have in front of you, Exhibit 121, Group Exhibit 121, where were they obtained by you?

A. In Atlanta. You speaking of these?

Q. Were they mailed?

A. You speaking of these?

Q. No, not cashier's checks, the Treasury checks, the government checks.

A. They were mailed to me in Atlanta.

Q. And where were they mailed to you from?

A. Washington.

[fol. 6565] Q. Do you know who issued them in Washington?

Mr. Neal: Your Honor, I have just been advised that the Defendant Campbell left the courtroom. I would like to—

Mr. Schiffer: (Interposing) He voluntarily left with the permission of the Court. He has a very severe toothache. Sending him to a surgeon. We didn't want to disrupt the trial, your Honor.

The Court: All right.

Mr. Neal: I want the Court and everyone to understand that this is just a legal matter that he has to be here. We have no objection to his leaving.

The Court: That is all right.

Mr. Branstetter: Any problem is waived with reference to that.

The Court: All right.

By Mr. Silets:

Q. The last question I think, Mr. Grimsley, was from what source was it in Washington you received these checks?

A. The source it came from, the Department of Justice.

Q. And do you know who in the Department of Justice caused its issuance?

Mr. Neal: I didn't understand this to be a whole new matter of inquiry, Mr. Silets.

[fol. 6566] Mr. Silets: Your Honor, I am pursuing that line of inquiry if the government is objecting to it.

The Court: Proceed.

The Witness: I don't know the person who issued them or caused them to have been issued. It would have come from the administrative section I am sure.

By Mr. Silets:

Q. Of the Criminal Division?

A. Yes, sir.

Q. That also is under the authority of Mr. Miller?

A. I'm not certain about that.

Q. Now, have you been stationed all of your three years in Atlanta?

A. No, I was in Washington a year or so.

Q. How many other times have you had occasion to work this kind of arrangement, receive checks, Treasurer checks, cash them, and purchase cashier's checks to pay to third parties?

A. These are the only ones.

Mr. Silets: Thank you, sir.

The Court: If no further examination by defendants, you may cross examine.

Cross examination.

By Mr. Neal:

Q. Mr. Grimsley, this cross examination should be pretty [fol. 6567] easy since we have known each other some time.

Mr. Schiffer: Your Honor, I object.

The Court: Sustain the objection. Address the question, Mr. Neal.

By Mr. Neal:

Q. Mr. Grimsley, when did the payments start to Mrs. Partin, the first payments?

A. The first payment would have been July 1963.

Q. July 1963?

A. 1963, yes.

Q. And along prior to that Mr. Partin had already told Mr. Sheridan of statements made by these defendants with respect to jury tampering, isn't that correct?

Mr. Berke: We object to that, your Honor.

The Witness: Yes, sir.

Mr. Berke: It would be hearsay, asking him to state what he told some other agent.

The Court: Sustain what he may have told someone else.

By Mr. Neal:

Q. Have you been aware of Mr. Partin's reports with respect to these defendants' efforts during the Hoffa trial in Nashville?

A. Yes, sir.

Mr. Schiffer: Objected to, your Honor, at this time.

[fol. 6568] The Court: Overruled.

By Mr. Neal:

Q. This was before the checks were made. Is that correct?

A. That's right.

Q. Now, sir, you have dealt with Mr. Partin in September 1962 and this was before the Hoffa trial in Nashville. Is that correct?

A. That's correct.

Q. Was any promise of any payments ever made to Mr. Partin?

A. None whatsoever.

Q. Was any promise of any sort of relief ever made to Mr. Partin?

A. None.

Q. Was Mr. Partin ever promised anything with respect to any action by anybody with the federal government so far as you know of?

A. As far as I know none has ever been.

Q. I believe you said that he was an informant. Actually you told him when you learned that he had been invited to Nashville you told him to keep his eyes open for possible efforts to tamper with the jury. Is that correct?

Mr. Schiffer: Object, your Honor, to the form of that [fol. 6569] question.

The Court: Overrule the objection.

By Mr. Neal:

Q. Is that correct?

A. Yes, his eyes and ears.

Q. And you asked him to do this, is that correct?

A. That's right.

Q. And to report anything like that as it went along as he heard of it to Mr. Sheridan. Is that correct?

A. That's correct.

Q. And he agreed to do so?

A. He did.

Q. Now, to that extent that is what you meant when you said he was an informant. Is that right?

A. That's right.

Q. Now, sir, you say the first payment to Mrs. Partin started in 1963, July '63?

A. That's correct, sir.

Q. That was the first payment to you. What was the ending period of those?

A. I think the last payment was in November 1963.

Q. All right. From July 1963 to November 1963, what was the total payments made? Total payments made to Mrs. Partin?

A. $1,200. Let's see. One fifty. Three. Six. Nine. Here [fol. 6570] we are, $1,200, I'm sure.

Q. All right, sir. Now, sir, has anything else been paid to Mr. Partin or to anyone on his behalf by the federal government?

A. Not to my knowledge, no, sir.

Q. Isn't it true, sir, that when Mr. Sheridan told you to do this he told you to keep account of expenses?

Mr. Berke: Just a moment, if your Honor please. We want to object to what Mr. Sheridan, another agent, told him.

The Court: Sustained.

Mr. Neal: Your Honor, they went into this, who he got instructions from to do this.

Mr. Berke: We object to it, if your Honor please, as being incompetent.

Mr. Neal: They went into the fact of Mr. Sheridan. He told him to do this. Mr. Miller under whom he did it. Attorney General in the Criminal Division. It looks to me like it is entirely proper.

The Court: State a question.

By Mr. Neal:

Q. All right, were you given the duty of determining this man's expenses for trips out of town?

A. Yes.

Q. Pardon me?

[fol. 6571] A. Yes, I was.

Q. And was it your duty to apply or to pay him for his expenses?

A. Yes.

Q. And did you tell him that you would pay him for his expenses?

A. Yes.

Q. And are these payments for his expenses?

A. Yes, sir.

Q. Why didn't you pay them to him?

A. He wanted his wife and kids to have money. He said he could take care of himself.

Q. In other words, he told you to make any payments for expenses to him to pay them to his wife. Is that correct?

A. Yes, sir.

Q. And that is what you have done here?

A. That is what happened, yes, sir.

Q. Have you completely paid him for his expenses?

A. I think we owe him some money yet. Maybe—I haven't an accurate accounting, in my mind, but it is $200 or $300 we must owe him now.

Q. Now, sir, as a matter of fact, have you paid him anything for his appearance here in Chattanooga for the week or week and a half?

A. Nothing.

[fol. 6572] Q. Pardon me?

A. Nothing.

Q. You still owe him for that?

A. That's right, so it would be greater than the figure I quoted you.

Q. Now, Mr. Grimsley, you have been with the Organized Crime and Racketeering Section for three years. Is that correct?

A. That's correct.

Q. You are familiar with the policies of that section?

A. Yes, sir.

Q. Criminal Division?

A. Yes, sir.

Q. Is it within your knowledge, sir, that expenses are sometimes paid in the manner of these that have been paid as a matter of policy so that someone who might not be interested could not determine the connection with the man's federal government—

Mr. Silets: (Interposing) Your Honor, Mr. Neal is—

The Court: (Interposing) Sustain the objection.

Mr. Neal: Well, I will see, is that to the form of the question, your Honor?

The Court: I sustain the objection to that question.

[fol. 6573] Mr. Neal: I am asking him about the policies, your Honor. All right, sir, I will ask you this.

By Mr. Neal:

Q. You have said that these checks were in payment of Mr. Partin's expenses incurred at the request of the federal government. Is that correct?

A. Correct.

Q. And they were paid to Mrs. Partin because he said don't pay my expenses to me, pay them to my wife, whatever expenses you owe me. Is that correct?

A. That's correct.

Q. Now, sir, can you tell us why they were paid checks to you and then you paid Mrs. Partin rather than the federal government check to Mrs. Partin?

Mr. Schiffer: Objected to, your Honor. It has been asked and answered a dozen times already.

Mr. Neal: I don't think it has ever been asked and answered.

Mr. Schiffer: This very question.

Mr. Neal: I haven't asked it.

The Court: The first time in this trial I have missed a question. I didn't have my mind on it.

Mr. Neal: Your Honor, I said that previous to that was the—that is what the witness has testified to that.

[fol. 6574] The Court: Well, just state your question.

Mr. Schiffer: May we have the question read back by the reporter, your Honor?

Mr. Neal: Read it back.

The Court: All right.

(Thereupon, the court reporter read the question back as follows:)

"Question: Now, sir, can you tell us why they were paid checks to you and then you paid Mrs. Partin rather than the federal government check to Mrs. Partin?"

The Court: Overrule the objection.

The Witness: We did it in that manner to protect the identity of the source of information. We did not want to expose this man at that time.

By Mr. Neal:

Q. Was this an effort to conceal from this jury here any knowledge of this?

A. No, sir.

Mr. Schiffer: Objected to, your Honor. Highly prejudicial question.

The Court: Sustain the objection.

[fol. 6575] By Mr. Neal:

Q. As a matter of fact, you were requested by Mr. Hooker and me to get these—, to get these checks and so the government could produce them?

A. That is correct.

Mr. Schiffer: This is highly objectionable, Your Honor.

The Court: Overrule that objection.

By Mr. Neal:

Q. I didn't get your answer, you said.

A. That's correct.

Q. Were you directed by Mr. Hooker and me to go to Atlanta, get these checks, bring them up here because we wanted to introduce them in evidence, is that correct?

A. You wanted to show them, that's right.

Q. Now, are those government's exhibits rather than defense exhibits?

A. I haven't checked.

Q. Would you check, sir?

The Court: The record will reflect.

Mr. Berke: If Your Honor please, this is all a play on words. We asked for the checks now he is trying to say out of the goodness of the heart he—

The Court: (Interposing) The record will reflect. Sustain the objection to that.

Mr. Berke: We object to that.

[fol. 6576] Mr. Neal: All right, sir. Now, sir, one last—May I approach the witness, Your Honor?

The Court: All right.

Mr. Neal: Now, Your Honor.

By Mr. Neal:

Q. Sir, you see four checks here totaling $1,200.00, I believe, is that correct?

A. That is correct, yes, sir.

Q. Now, would you look at photostats and see if it is not a fact that they are mere photostats of these four checks?

Mr. Hooker: Jim, Jim, two photostats of each check.

Mr. Neal: Yes.

Mr. Hooker: And call attention to the number on that so there won't be any question about it.

By Mr. Neal:

Q. Won't you see if in fact there are two photostats of each check?

A. Each check, that is correct.

Q. Those are the only checks there, aren't there?

A. That's correct.

Q. So the only checks here from the Federal Government concerning these payments, is that correct, that we have been testifying about?

[fol. 6577] A. That's the ones.

Mr. Neal: I am sorry, Your Honor, I do want to get this matter clear about the checks.

Mr. Hooker: Pass them to the jury and call attention to this.

Mr. Schiffer: May I ask Mr. Neal and Mr. Hooker hold their conversation away from the jury, if Your Honor please.

The Court: All right.

Mr. Neal: I am sorry.

Mr. Hooker: Trying to get away from you, Mr. Schiffer.

Mr. Schiffer: No, I won't snitch on you.

The Marshal: Order in the court.

Mr. Hooker: All right.

Mr. Neal: May it please the Court, I would like to pass these to the jury so that they can clearly see that they are just four checks.

Mr. Branstetter: May it please the Court, let him pass them to the jury without his comments.

Mr. Neal: Very well, very well.

Mr. Hooker: Jim, two photostatic exhibits of each check.

By Mr. Neal:

Q. Mr. Grimsley, just to make absolutely clear, there are [fol. 6578] four checks there, original checks, is that right?

A. That's right, that I signed.

Q. And there are two photostatic copies of each of the four checks.

A. That is correct.

Q. For a total of $1,200.00.

A. $1,200.00.

Q. Now, the checks from you to Mrs. Partin, would you tells us what is the total on that, handing you the exhibits, I guess they are all 121.

A. O. K., $1,200.00.

Mr. Hooker: Pass that to the jury.

Mr. Neal: Will you pass those to the jury, Mr. Sertel? No further questions.

The Court: All right.

Mr. Schiffer: I should like to ask a few questions, Your Honor, based on the questions put by Mr. Neal.

The Court: All right.

Mr. Schiffer: Just one question.

By Mr. Schiffer:

Q. Did you have submitted to you by Mr. Partin at the time you made out these payments an itemized bill of what the check covered?

A. He told me what trips he had taken and what expenses, the expenses he had incurred.

[fol. 6579] Q. Now, you had the obligation of paying out United States treasury money, is that correct, in cash?

A. That is correct.

Q. Did you receive from this man to whom you gave all of this cash itemized bills, add them up and total them before you paid him any money?

A. No, I did not.

Q. You did not. And so you took his word for whatever he said was the amount, you simply gave it to him, is that right?

A. I knew where he had been and I knew mileage.

Q. I didn't ask you that, sir. I am saying to you, you simply gave him the amount of money he said he had spent and you never bothered to check the items, did you?

A. I checked in my own mind to be sure that if he was to be paid a hundred dollars, as some of these checks will show here to his wife that he had traveled or lost that much time.

Q. Well, tell me, wasn't the arrangement made you were going to send his wife $300.00 a month for support?

A. The $150.00 twice each month.

Q. $150.00 twice each month. And so it was not based upon what his expenses would be as he told you he was spending money and in expenses, but rather for the support of the children.

[fol. 6580] A. But we—

Q. (Interposing) Is that right?

A. More or less—, that's correct, yes.

Q. At that time did you check into whether he was receiving expense money from the union while he was carrying on these activities?

A. No, sir, I didn't. I had no access to the union records.

Q. And on these very trips he was making with which you were acquainted, wasn't he visiting people in the business, his union business at the very same time?

A. That I don't know.

Q. Did you ever ask him?

A. I never did.

Q. Well, the only question I have remaining then is this, you tell me if I am in error.

A. Pardon me?

Q. You correct me if I am in error. I understand from you then that whatever Partin would say that he had spent in expenses you would then send his wife a check for that amount but you never took a receipt from him for the money you gave him and you never accounted to your superiors for the cash United States money he was spending out of the United States Treasury, is that correct?

A. I never passed any money to him.

[fol. 6581] Q. I say, the cash monies you were letting out, whatever amounts he was talking about, you simply would cash whatever had been sent to you by the government, you would convert that into some other form of payment, but aside from the checks which you were sending out you never took from Mr. Partin any verification of what you were giving him or what they represented?

A. No, sir, I didn't take any.

Q. Did you know the amounts of money and these amounts you have testified to and as reflected by these checks were in fact the alimony or support payments to his family?

A. It could have been, it's the same amount.

Q. Pardon me?

A. It could have been, it's the same amount, $300.00 per month.

Q. It is the same amount of money?

A. Yes.

Q. And did this money come out of the general fund of the Department of Justice controlled by the Attorney General?

The Court: Mr. Schiffer, isn't this all a matter of direct examination and matters that were covered?

Mr. Schiffer: Mr. Neal, I understood, Your Honor, had asked these very questions concerning—

[fol. 6582] The Court: (Interposing) Going back over exactly the same thing that was covered also by direct examination. You were given an opportunity to ask any questions you desired on direct examination.

Mr. Schiffer: This is what Mr. Neal I thought had brought out, you see.

By Mr. Schiffer:

Q. When you would discuss the money like the three hundred check and the $150.00 checks before you spoke to Mr. Partin about those checks would you already have first consulted your superiors in the department?

A. Before each payment?

Q. Yes.

A. No, sir.

Q. Then you were given blanket approval to keep paying him at the rate of approximately $300.00 a month until the orders were curtailed, is that right?

A. More or less, yes, sir.

By Mr. Neal:

Q. You say, Mr. Grimsley, you have answered, "More or less" to a couple of questions in trying to be responsive. Isn't it a fact, sir, before the first check went out Mr. Partin had already taken numerous trips, including these trips to Columbia, Tennessee, that we have talked about on behalf of the Federal Government for which he had not been re-[fol. 6583] imbursed even his hotel or motel?

A. That is true, he had been to Atlanta and to Alabama.

Q. All right, sir. Now, sir, you said more or less you kept paying these checks. Isn't it a fact that you were adjusting these checks to expenses?

A. To a degree, yes, sir, but not a very close or accurate accounting, no, sir.

Q. Now, sir, you said that you didn't ask him to itemize. How did you figure, how did you figure up his expenses? Did you know where he was when he was out on government business?

A. I know he would say, "I am leaving Baton Rouge, I am going to, say, Columbia, Tennessee."

Well, I would take the Rand-McNally map or book or whatever it is, get the number of miles and pay on the rate of ten cents per mile in arriving at this accounting here.

Q. And did you pay a regular per diem for the days?

A. Each day at $16.00 per day.

Q. Is that the regular government expense per diem?

A. Yes, it is.

Q. Pardon me?

A. Yes.

Q. Is that an approved per diem and mileage of the [fol. 6584] Federal Government?

A. That is right, that is the government standards.

Q. I believe they are cutting us down now to twelve, aren't they?

A. That's right, after thirty days.

[fol. 6585] Q. Is it a fact then that each time you give him a check for $300 and $300 and another $300, and two for $150 checks, you are telling this jury now that each time before you gave these round figures in money to his wife you sat down and calibrated on a map what his mileage was and each time it came out to $300 or $150?

A. Let me explain my answer.

Q. That is the answer you made, is it not? Just now to Mr. Neal?

A. Let me explain my answer.

Q. Just a moment, did you to Mr. Neal, did you tell Mr. Neal that you took out a map and calibrated the mileage and each time when you gave him $300 that it was exactly the same identical mileage with Mr. Partin the period before when you gave him the other $300?

A. What did Mr. Neal ask? Could we have that read back?

Q. I'm asking you, not what Mr. Neal said, what you said. Did you not just say to Mr. Neal that you took a Rand-McNally map and you followed the mileage and you

calibrated all that and each time it came out to $300 or twice to $150?

A. I said calculated the figures on a sheet that I turned in. The sheet is lying over there.

Q. Did you turn into your superior the itemized amounts [fol. 6586] totaling $300 in each case or $150 in each case which you had received from Mr. Partin and did you transmit that to your superior?

A. No, I didn't.

Q. Who did you turn those sheets in to?

A. I turned them in to Mr. Sheridan.

Q. Mr. Sheridan, well, your Honor, we should like to make a demand at this time, we should like the records from Mr. Sheridan.

A. Just on one sheet.

Mr. Schiffer: While this witness is on the stand we would like to examine those records, if your Honor please.

The Court: Any further questions of this witness?

Mr. Schiffer: Your Honor, we should like those records. We believe those are in the form of Jencks statements of this witness.

The Court: Sir, this is a witness you put on the stand.

Mr. Schiffer: Your Honor, this is a hostile witness.

The Court: I haven't seen any hostility of this witness.

Mr. Schiffer: We didn't put him on the stand, as I understand your Honor. He is not testifying for Mr. [fol. 6587] Parks.

The Court: Proceed.

Mr. Schiffer: Your Honor, Defendant Parks didn't put him on the stand.

The Court: Proceed.

Cross examination.

By Mr. Silets:

Q. Mr. Grimsley, do you know the function of the General Accounting Office?

A. Pardon?

Q. Do you know that the General Accounting Office re-Office of the United States Government?

A. Yes, sir.

Q. Do you know thta the General Accounting Office requires some substantiation for each disbursement by the federal government?

Mr. Neal: Your Honor, that is highly objectionable.

The Court: Sustain the objection.

Mr. Neal: I think Mr. Silets knows that.

By Mr. Silets:

Q. Did you make an accounting for the disbursements and substantiation for the disbursements to be used by the General Accounting Office?

Mr. Neal: Objection as being repetitious.

[fol. 6588] Mr. Silets: It is not repetitious, your Honor. The government wants to dispute the fact that the General Accounting Office, the watchdog of the government on all expenditures requires some evidence for each disbursement.

[fol. 6589] The Court: Well, if he knows, let him answer.

The Witness: Did I prepare anything for the GAO?

By Mr. Silets:

Q. Yes, sir.

A. No.

Q. You only prepared something for Mr. Sheridan, is that correct?

A. Not in every instance.

Q. So that your testimony is that not every instance did you prepare any accounting?

A. That's correct.

Q. Just in some instances?

A. That's correct.

Mr. Silets: Now, your Honor, the government has turned over to the Court what it had indicated was all of the records in the possession of the government.

The Court: Now, if you have a question, Mr. Silets—

Mr. Silets: (Interposing) Your Honor, I want to use it for my cross examination.

The Court: What cross examination? This is your witness. You gentlemen put this witness on the stand.

Mr. Silets: No, sir, I didn't put him on the witness stand. [fol. 6590] Mr. Berke: Just a minute, if your Honor please, may I be heard on that question?

The Court: If you have further questions, address your questions to the witness.

Mr. Berke: If your Honor please, I would like to cite the Court a rule on putting on government agents. In the case of United States vs. Freeman, if your Honor please—

The Court: (Interposing) Mr. Berke, what does this have to do with a request at this time by Mr. Silets for the government to produce something? Ask the witness any question you wish.

Mr. Berke: He is under subpoena duces tecum to produce.

Mr. Silets: Just a moment, your Honor, I am not asking the government. I am asking the Court. The Court has in the Court's possession documents furnished by the government.

The Court: You will ask your questions, sir, or make your demand, what is it you are asking?

Mr. Silets: I am demanding court documents turned over by the government to the Court, all records of expenditures with respect to these monies paid to Mrs. Partin so I may inquire of this witness. I have made this motion before. In response the government turned over what they [fol. 6591] said were all of the records to the Court. Now, I want to use this record in the possession of the Court to examine the witness.

The Court: Well, are there any other records, gentlemen?

Mr. Neal: No, your Honor, we have no other records. We have turned over to the Court all records we have.

The Court: Well, that is the checks?

Mr. Silets: No, sir, your Honor has sealed some records.

The Court: I am not aware of having sealed any records.

Mr. Silets: My understanding was that there were some memoranda or some expense vouchers or something turned over by the government that were sealed.

Mr. Neal: Your Honor, I think we turned over to the Court an expense account of Mr. Partin's. I believe as kept by Mr. Grimsley. I thought, reasonably sure, we turned it over to the Court. I don't think this is a matter—

The Court: (Interposing) I have checked all the papers back there that have been filed and I wasn't aware of it. We will take a recess. Let me check all the papers that have been filed.

Mr. Silets: I am advised it may be Exhibit No. 154, [fol. 6592] your Honor.

The Court: Do you have Exhibit No. 154?

Mr. Silets: I believe it would be a sealed document, your Honor.

The Court: Let's be in recess, ladies and gentlemen of the jury, for a few moments, please. Step out. Remember your instructions.

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[fol. 6593] The Court: The Court has handed to Mr. Neal sealed Exhibit No. 154. Is that correct?

Mr. Neal: 154.

The Court: Which the Court has opened. Are those the documents?

Mr. Neal: These are the only documents I know of relating to expenses paid.

The Court: What do you say they are requested for those documents?

Mr. Neal: What do I say with respect to it?

The Court: Yes.

Mr. Neal: They are not entitled to them. This is their witness. They put him on. How are they entitled to ex-

penses matters that he figured up and has? I don't understand it.

The Court: Aside from whether they are entitled to it?

Mr. Neal: What is the basis? Why not turn it over?

The Court: Yes.

Mr. Neal: Why not?

The Court: Well, all right.

[fol. 6594] Mr. Neal: Not the blue document, Your Honor.

The Court: Interoffice memo?

Mr. Neal: Yes, sir. Simply a matter that an attorney for the Department of Justice has no right to go turning over interoffice memoranda. That is the basis for the blue one.

The Court: Well, all right, turn that over to the defendants.

Mr. Silets: Your Honor, our position is anything that relates to these disbursements is pertinent and material and competent and it should be turned over. The fact that it is an interoffice memo within the Department of Justice, that is the very issue.

The Court: Again, from the government, aside from the fact, of course, the government has no authority to turn over interoffice memoranda, is there any other?

Mr. Neal: Could we see it just a moment, Your Honor? If it doesn't have something that would be sort of privileged matter on it? It looks like to me—, I would say, Your Honor, that they wouldn't be entitled to it. I would not like to turn it over. Memorandum from one person in the Department of Justice to another. I don't see any possible basis for turning it over.

The Court: Excuse me.

Mr. Neal: I was just going to say, I think the Court [fol. 6595] has gone beyond what is necessary to turn the white one over, but we agree to it. I certainly think they have got more than they are entitled to. I don't think they are entitled to that interoffice memorandum from one man in the Department of Justice to another.

[fol. 6596] The Court: Well, I don't think that they are technically entitled to it under the law either, but, on the other hand, I can't see any prejudice to anybody.

Mr. Neal: If your Honor thinks that way about it, I certainly don't want any error involved, if your Honor thinks it should be turned over.

The Court: I don't see any prejudice. Make it available.

Mr. Hooker: Glad for them to see it, if your Honor please.

The Court: Those are the contents. Now, the sealed Exhibit No. 154, I had sealed this envelope, I assume this envelope which the Court has opened should be refiled as the remaining exhibit.

All right, have the jury return.

Mr. Neal: Your Honor, before the jury comes in, we do object to the further cross examination of this witness.

The Court: Yes, this has been—

Mr. Neal: (Interposing) I'd like to cite your Honor a case on this point.

The Court: The examination of this witness has been quite irregular.

Mr. Neal: It's in Rea—correction, Siglar, Siglar versus United States, 208 F. 2nd, page 865, Fifth Circuit, 1954, and particularly at page 868.

[fol. 6597] The Court: I didn't get that. Just a minute, Mr. Neal, I have my mind on another matter. Just a moment, just let me make a note.

All right, are we ready to proceed?

Mr. Berke: If your Honor please, since he has cited that we would like—

The Court: (Interposing) Let me get that citation. I don't know whether I have it or not on the notes.

Mr. Neal: This will apply generally to the witnesses called by the defendants, I think. It's Siglar versus United States, 208 F. 2nd, 865, particularly, your Honor, at page 868.

The same rule, your Honor, is implicit in Stanley versus United States, 245 F. 2nd, 427, particularly at 433, and

United States versus Mercks (spelling) M-e-r-c-k-s, 304 F. 2nd, 771 at page 772, particularly the Siglar case, your Honor, the first one that was called, the others corroborate it.

The Court: Do you have some authority which you wish to cite, Mr. Berke?

Mr. Berke: Yes, your Honor, the case of United States versus Freeman, 302 Fed. 2nd, 347 at page 351, a very brief statement, if your Honor please, right on the point. It says that where a defendant calls government agents [fol. 6598] to the stand in an effort to establish some part of his defense he should be given every reasonable leeway in bringing out whatever may be relevant to the issues before the jury. It is pointless to require a showing, such as the trial judge indicated might be necessary, that such witnesses are hostile. The agents for adverse parties within the meaning of Rule 43b of the Federal Rules.

The Court: I haven't prevented leading questions at all on this witness. I have felt that there should be some more order in the manner in which he has been examined, we were just passing him back and forth, but let's proceed.

Mr. Berke: This says it permits cross examination, if your Honor please.

The Court: All right, sir. Those documents should be filed as Exhibit 154 so that will remain identified.

Mr. Silets: May we have them admitted in evidence?

The Court: I see no reason why not. Any objection to these being received?

Mr. Hooker: No objection.

The Court: They will be admitted into evidence then as Exhibit 154.

Mr. Silets: 154, yes, sir.

The Court: Is that correct?

Mr. Silets: Yes, sir.

[fol. 6599] (The sealed envelope and contents previously marked Exhibit No. 154 for identification were received in evidence.)

Mr. Branstetter: May it please your Honor, I believe the envelope might also be identified in the same manner.

The Court: It retains its same designation.

Mr. Silets: Yes, sir, instead of being sealed, however, they are now of record.

The Court: Yes.

(Thereupon, the jury of 12 and 4 alternates returned into open court and the following further proceedings were had, to-wit:)

By Mr. Silets:

Q. Now, Mr. Grimsley, in the absence of the jury, the Court has opened a sealed exhibit, 154, and turned over to me the contents of them. I—

Mr. Neal: (Interposing) Just a moment, your Honor, I don't like the inference there. The Court asked the government if it had any objections, we said no, no objection.

The Court: The Court has made available at all times everything that is legally available.

Mr. Silets: I didn't mean to imply any—

The Court: (Interposing) Just state your question.

By Mr. Silets:

[fol. 6600] Q. Now, I have in my hand the contents of Exhibit 154 and I hand to you what is typed on a notebook sheet of paper with three holes in it and I ask you to tell the jury what is typed on the notebook paper?

A. It says, "Expenses only, residence to Atlanta, Georgia, and return by Delta Airline, first class."

Q. Will you just identify it, officer?

A. Oh, it is a chart showing an accounting that I made as to where we stand with Mr. Partin as of, say, a month ago.

Q. When was that prepared?

A. It was prepared, I would say, in January of this year, I haven't made one out for this month.

Q. After the start of this case?

A. No, before this case started.
Q. But in January of this year, is that right?
A. That's correct.
Q. '64?
A. That's correct.
Q. Now, the checks that were passed—

Mr. Hooker: (Interposing) We'd like for the jury to see it.
Mr. Silets: Yes, I will pass it to them, Mr. Hooker:

By Mr. Silets:

[fol. 6601] Q. The checks that were issued in the months of July through October, November, and that you cashed and then purchased cashier's checks and sent to Mrs. Partin, do you know to what fund it was charged?

Mr. Neal: Now, your Honor, this is clearly not relevant evidence.
Mr. Silets: Your Honor—
Mr. Neal: (Interposing) May I be heard? Put this witness on the stand, examine, re-examine.
Mr. Silets: Your Honor, the theory of our defense—
The Court: (Interposing) Just state your question.
Mr. Silets: I have stated it.
The Court: Allow him to answer, if he knows he can say so, if he doesn't he can say.

By Mr. Silets:

Q. Was it charged to a travel expense fund?
A. I don't know how it was charged.
Q. Isn't it true it was charged to something called a confidential fund?
A. There is such a fund but whether or not this was actually charged I don't know.
Q. What is the confidential fund?

Mr. Hooker: We object to that.
[fol. 6602] The Court: Sustain the objection.
Mr. Silets: May I understand, is it the form of the question?

The Court: I sustained the objection. He said he doesn't know how it was charged.

By Mr. Silets:

Q. Have you had any experience with the confidential fund?

A. Very little.

Q. Of the Department of Justice?

A. Very little.

Q. You do have some experience with it?

A. I know such a fund exists but just how it's operated I do not know.

Q. Do you know the purpose of the fund?

A. No, I can't say I know definitely what it's for. I have some idea.

Q. Isn't it true it is used to pay informers?

A. I wouldn't think it would be used that way altogether, of course, like I say, I am not familiar with the complete operation of the fund.

Q. Isn't it used for surreptious payments to persons?

Mr. Hooker: He said he doesn't know.

Mr. Neal: We object to that. We have established no surreptiousness in here.

[fol. 6603] The Court: Sustained.

By Mr. Silets:

Q. Well, do you know Mr. Andretta, the man who gives you your raises and so on?

A. I know the name.

Q. He is in charge, he is the administrative assistant to the Attorney General of the Department of Justice, isn't he?

A. That is correct.

Q. Now, I show you what has been marked as Exhibit— he is sort of the watchdog of the Department of Justice, isn't that right, the financial watchdog?

A. He has the administrative division, that's true.

Q. All right, now, I show you what is marked as Exhibit 154, a part of a group exhibit, it is a United States Government memorandum to Mr. Andretta from Walter Sheridan dated July 3rd, 1963. Will you look at it, sir, and see if you have ever seen it before?

[fol. 6604] A. I have never seen this.

Q. Does it help you refresh your recollection as to which funds these payments for Mr. Partin were charged to?

A. According to this—

Mr. Neal: (Interposing) Your Honor, he said he had no knowledge.

Mr. Silets: I am asking him if that refreshes his recollection. Simple yes or no.

The Witness: According to this it would come from the Confidential Fund.

By Mr. Silets:

Q. From the Confidential Fund, now, Your Honor, this is in evidence and may I read it to the jury?

The Court: Just hand the document to the jury.

Mr. Hooker: We would like the jury to see both documents.

Mr. Silets: Oh, yes, but may I read the one?

Mr. Hooker: It is short. Would like for them to read it themselves.

Mr. Silets: This is—

The Court: (Interposing) Pass them to the jury. Let the jury see them.

Mr. Silets: All right.

By Mr. Silets:

Q. Now, isn't it a fact, sir, that at the time that this [fol. 6605] memorandum was issued that the intention was to make a payment to Mr. Partin and that that was a flat payment of $300.00 a month? Isn't that true?

A. It appears that way, yes, sir.

Q. And isn't this your method of substantiating those payments after the fact, after the decision was made to pay him $300.00 a month and in anticipation of the Nashville—, of this very case being tried in Nashville? And his being paid $300.00 a month in anticipation of this very case then as of January of this year, wasn't this document, the notebook paper prepared to substantiate the $300.00 a month?

Mr. Silets: Now, Your Honor, I ask the Court to rule on Mr. Neal making these asides.

The Court: The Court did not hear any asides. State your question to the witness.

By Mr. Silets:

Q. Is that not true?

A. That was a long one. Let me break it down in my mind. At the time of this memo I believe this was in July, 1963.

Q. Correct, sir.

A. Mr. Partin had made several trips around the country and had not been reimbursed in any form.

Q. Well, isn't it—

Mr. Hooker: (Interposing) Wait a minute, let him finish [fol. 6606] his answer.

The Witness: He had not been paid in any form, shape, or fashion. So any monies that were going to him were already owing to him.

By Mr. Silets:

Q. Isn't it true, sir, that this memo calls for a flat payment charged to a confidential fund?

A. That is what it says.

Q. Yes, sir.

A. Each month.

Q. Now, is it customary for your office or for Mr. Andretta or for the government accounting office or any

other watchdog agency of the United States government to take a notebook piece of paper as substantiation for travel?

A. I'm not familiar with that procedure, sir.

Q. Let me ask you this, sir, when you yourself are on travel status, is this the method by which you obtain reimbursement for your travel?

Mr. Neal: Your Honor, this is not competent examination at this time. This witness has—, may I make my objection? This witness says he was given the job of keeping account of the expenses of Partin. And reimbursing him according to the way Partin suggested to his wife. Now he has not said he submitted any paper to the government or what-not.

[fol. 6607] The Court: Sustain the objection.

Mr. Silets: Your Honor, my position is—

The Court: (Interposing) State your question.

Mr. Silets: That this is so highly irregular and unusual that the jury should be aware that this is never done.

The Court: Now, sir, ladies and gentlemen, just disregard that remark. If you wish to argue your case you will have an opportunity. Sustain the objection. Argue the case at another time.

Mr. Silets: With all deference to the Court, I am trying to point out the relevancy.

The Court: Sustain the objection. The question is irrelevant.

By Mr. Silets:

Q. Mr. Grimsley, you said you joined the Department of Justice about three years ago?

A. That's correct, sir.

Q. Is that the same time that Mr. Neal and Mr. Sheridan and the present attorney general all took office together with you at the same time?

Mr. Neal: Your Honor, that is clearly objectionable.

The Court: Sustain the objection.

By Mr. Silets:

Q. In your three years experience with the Department [fol. 6608] of Justice, do you know of any other situation where expenses were paid on notebook paper?

Mr. Neal: Your Honor, that is clearly repetitious.

The Court: Sustain the objection.

Mr. Silets: That is all.

The Court: Let's have the—, is that not part of the exhibit?

Mr. Silets: That is a duplicate of the original.

Mr. Berke: That is just a copy.

Mr. Silets: Looks like a carbon copy.

The Clerk: It was all together.

The Court: It was all together, let's keep it all together.

Mr. Silets: May we have leave of the clerk, Your Honor, pursuant to our standing agreement to have copies made at the clerk's convenience?

The Court: Yes, sir.

Mr. Silets: Thank you.

The Court: All right, anything further of this witness? If not, you may be excused.

(Witness excused.)

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[fol. 6665] February 21, 1964

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William J. Reynolds, a witness called at the instance of the Defendant Parks, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Schiffer:

Q. Would you state your full name, please?

A. William J. Reynolds.

Q. Would you tell this jury where you reside.

A. 8311 10th Avenue South, Birmingham, Alabama.

Q. Do you know a man named Edward Partin?

A. Yes, sir.

Q. Since when do you know him?

A. Since 1955.

Q. Would you tell us where you first met Edward Partin?

A. I first met Edward Partin at the convention in Galveston, Texas, in the Summer of 1955, at the Teamsters convention.

Q. Now, did there come a time when you met with Mr. Partin in 1963?

A. Yes, sir.

Q. Would you tell us where you met with him and where. [fol. 6666] A. I met with him at Gramp's Restaurant, which is directly across the street from the Bankhead Hotel in Birmingham, Alabama.

Q. Now, did you have a conversation with him on that occasion?

A. Yes, sir.

Q. Now, would you relate to this jury, please, what he said to you and what you said to him.

Mr. Hooker: Just a moment, if Your Honor please. We object to that. How could any isolated conversation that wasn't asked about or inquired about at the time possibly be competent in this proceeding?

Mr. Schiffer: Well, I haven't asked the question. He has—

Mr. Hooker: (Interposing) You asked him about a conversation that occurred at some Gramp's place in 1963. Could it be that you can just pull some—

Mr. Schiffer: (Interposing) Let me rephrase the question, it will save some time.

By Mr. Schiffer:

Q. When you met with him as you related in Birmingham, was your meeting with him the result of your call to him or his call to you?

A. His call to me.

Q. When he called you and asked you to meet him, did [fol. 6667] he indicate on the telephone what he wanted to speak with you about?

A. No, he said it was very important that he talk to me. He had called me several times before and talked to me on the telephone but this time he wanted to talk to me in person.

Mr. Neal: Your Honor, we think that this matter should be inquired into.

The Court: All right.

Mr. Schiffer: Well, Your Honor, at this time we object. Now, I want my evidence before the jury. I asked for a jury trial, I have a jury trial and every time we get to an area where Mr. Partin is going to be exposed as a perjurer this man for the government wants it out of the presence of the jury. We are curtailing the defense here. Mr. Partin committed perjury. I want the opportunity to prove it, otherwise how could I put in a defense for the defendant here?

The Court: The Court cannot pass upon the possible relevancy of the conversation without knowing anything about what we are talking about, whether it relates in any way to this case or not.

Mr. Schiffer: May I do this, Judge? May I rephrase the question?

Mr. Hooker: We ask the statements of counsel be ex- [fol. 6668] cluded.

The Court: Oh, yes, ladies and gentlemen, disregard the statement of counsel.

Mr. Schiffer: May I rephrase the question?

By Mr. Schiffer:

Q. Mr. Reynolds, did you have a conversation with Edward Partin concerning a trial in Nashville, Tennessee, in which Mr. James R. Hoffa was a defendant in 1962?

A. Yes, sir, I did.

Mr. Schiffer: Does that satisfy the government now?

Mr. Hooker: No, sir, we submit any such conversation would be wholly inadmissible and incompetent in this proceeding.

The Court: Overrule the objection at this time.

By Mr. Schiffer:

Q. Now, will you relate the conversation, what you said to him and what he said to you on the occasion when you had this talk in Birmingham in this restaurant at the hotel.

Mr. Neal: Your Honor, may I point out if this is to establish anything the foundation had to be laid on cross examination of the witness Partin. I know of no such foundation.

Mr. Schiffer: There wasn't, I think, but 2,000 pages of the record of what we paid for for nothing.

[fol. 6669] Mr. Neal: A specific conversation has to be inquired of.

The Court: Well, ladies and gentlemen, step out a moment.

(Thereupon, the jury of 12 and 4 alternates were excluded from the courtroom and in their absence the following proceedings were had, to-wit:)

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Haggerty: May it please the Court, may it please the Court.

The Court: Yes, sir.

Mr. Haggerty: I strongly resent this procedure adopted by the Court and I object to it. The defense is attempting to establish their defense legally and under the rules of evidence.

Ordinarily there are only two reasons for a voir dire of defense witnesses in a lawsuit, particularly in a criminal case, and that is for competency or privilege. Now, when I say competency I mean mental competency.

Now, this voir dire is being used in this manner, which is strictly against the law. Voir dire is used by the government on a fishing expedition, as evidenced by the witness Shobe and wherein the defense has to put in their evidence.

Now, the proper way to conduct the voir dire or conduct this trial, in my opinion, based on the law as it exists, is [fol. 6670] that if mental competency is in question or privilege then there should be a voir dire, but the witness should be put on the stand and until that point is reached then, and only then, should a voir dire be gone into.

Now, this has persisted throughout the defense. I have never seen or heard anything like it and Your Honor has permitted it. I say it's error and it's serious error and it amounts to serious prejudice.

Any time the government has requested during the defense for a voir dire Your Honor has granted it without any underlying basic reason for it. The procedure is to establish on the record up to that point then in Your Honor's discretion a voir dire should be conducted but we have been laboring under this extra obligation, which I say is strictly an illegal procedure and I request Your Honor to observe the—I refer Your Honor to the case of United States versus Whiting, 308 Fed. 2d 537 at Page 542.

The Court: All right. What do you say that is authority for, Mr. Haggerty?

Mr. Haggerty: That is, Your Honor, it's a discussion of the very subject matter that we are here concerned with.

The Court: Well, now, gentlemen, here is the problem we face. The defense the day before yesterday offered and represented that it would be competent testimony of a Mr. Fox. Now, it was abundantly obvious when that testimony [fol. 6671] was brought in that it was not competent, could not possibly be competent or relevant.

The defense offered and represented unto the Court the testimony of Mr. Shobe would be competent. The great bulk of that testimony obviously was not and could not possibly be relevant or competent.

We have now a question here as to whether this conversation is or is not relevant and I know of no way in the

world to determine it without the Court having some idea of what the conversation is.

Mr. Schiffer: Then how can the government object before they know? They didn't raise a mental situation with the witness nor have they complied with the fact that it is not competent. They still haven't heard the question and the answer.

Mr. Neal: Your Honor, we—

Mr. Schiffer: (Interposing) As of that time they will know and I put Your Honor on notice now, I have said a thousand times here this is nothing new, I charge the government with a deliberate frameup of the defendants and I say that their star witness Partin committed perjury on material issues and now I want to prove his perjury.

What is so difficult for anybody to understand our position? Why is it anybody the government wants to put in is taken at full face, he can testify any way he wishes, he can [fol. 6672] go into explanations of an answer, he can give whole volumes and speak about the facts.

The Court: Mr. Schiffer, when the government put on Mr. Partin we interrupted the trial before the jury and allowed the voir dire by the defendants for a period of almost—

Mr. Silets: (Interposing) That was on my motion, Your Honor, on a motion to suppress.

Mr. Haggerty: A motion to suppress, which is entirely different than voir dire.

Mr. Schiffer: Here we are testing the relevancy of testimony, we have a witness who will directly conflict—

The Court: (Interposing) What do you say is the relevancy of this testimony?

Mr. Schiffer: With reference to material facts testified to by Partin we say that will be disputed now on issues confronted in this indictment by this witness on the stand now. We certainly have a right to show he didn't tell the truth, Your Honor. If we don't have that right, what is the sense of this trial?

The Court: In reference to matters relating to these defendants?

Mr. Schiffer: Yes, sir, it's only with this case here.

The Court: All right.

[fol. 6673] Mr. Schiffer: As a matter of fact, Your Honor, I asked that question and he testified to it.

[fol. 6674] The Court: All right.

Mr. Neal: May I say something on that, your Honor? In the first place, I don't know what this gentleman is going to say. I am informed by others that he has never seen the Witness Partin, never talked to him. Aside from this, it is for the jury to determine whether this man is telling the truth.

Mr. Schiffer: Same for Mr. Partin.

Mr. Neal: Your Honor, I don't know what he is going to say. I do know—

Mr. Schiffer: (Interposing) What Mr. Neal means, he doesn't know what he is going to say but he is afraid of what he is going to say.

Mr. Neal: May I continue? I do know Schiffer. And I do know some of the others. Your Honor, Mr. Fox was brought in here as your Honor stated—

Mr. Haggerty: (Interposing) We know you too, Mr. Neal.

Mr. Neal: Mr. Fox was brought in here as your Honor stated obviously to—, and a man who has finished his first semester of law school knows would not be competent.

Mr. Schiffer: (Interposing) I went to night school. It is a shame.

The Court: Gentlemen, I see no object in continuing with this argument. It is clear to the Court that this man's tes-[fol. 6675] timony is concerning a conversation relating to testimony concerning these defendants. If they represent that, I will accept their representation in that respect.

Mr. Hooker: Your Honor, let me make this one objection.

The Court: I beg your pardon?

Mr. Hooker: Let me make this one observation, your Honor.

The Court: Yes, sir.

Mr. Hooker: To make it competent they would have had to ask Partin about it. They haven't asked Partin a thing.

about it. How can you bring a man and offer that another had a conversation with a party about a conversation without asking the witness. You could carry this on for a month. Couldn't possibly be admissible unless Partin was asked about it and they won't represent to the Court that Partin was asked a thing in the world about this man Reynolds.

Mr. Schiffer: Just a moment.

Mr. Hooker: We submit that fundamentally it is inadmissible.

Mr. Schiffer: Let's take a legal proposition with Mr. Hooker trying to show that a single party had incompetent knowledge, that is not the law.

Mr. Neal: Let me just give the Court a case on point.

[fol. 6676] The Court: Just a moment, gentlemen. Gentlemen. Just a moment. Mr. Schiffer, we are going to conduct this in an orderly manner. Mr. Schiffer, if you will get back to the podium, I will hear you and hear the others.

Mr. Schiffer: Your Honor will reflect and I am sure your notes will reflect that Partin testified that among the cities he visited during the time with which we are concerned was Birmingham, Alabama. Now, let's take the second proposition, let us assume that Partin testified and he was never even cross examined, does Mr. Hooker tell the Court that the law is that the defense is thereby precluded from putting on witnesses to refute each and every point he made of materiality? Where is this new rule of law now, your Honor, that Mr. Hooker has? Can he give you the cases? I have been accused of never giving cases. Let Mr. Hooker give you the case which says that if a prosecution witness is not cross examined, thereby the defense is completely precluded from putting on their own witnesses in their case to refute all of the testimony of the prosecution witness. We have no foundation to lay. We say to your Honor in this case, however, the man said Partin said he was in Birmingham, Alabama. We want to now bring out what he had been doing in Birmingham, your Honor, and he saw this witness, according to this man's testimony already. We want to show that he lied as to why he was in Birmingham and all the surrounding circumstances.

[fol. 6677] Don't we have that right? If we don't have that right, we have no right to put in proof of the perjury of the government's star witness, isn't his credibility always an issue? Partin. Don't we have a right to attack his credibility? How then do you attack it if not with witnesses?
[fol. 6678] The Court: All right.

Mr. Hooker: My point, if Your Honor please, is that this is entirely a collateral matter. Bound to be collateral, to the issue. This man didn't claim to have been there. Now to make it competent they would have had to ask Partin about it. Did he have a conversation with a certain person? If that was not the rule, you could just bring in interminable witnesses here that claimed any witness that testified on either side that at some time or place they would have had some conversation with him that conflicted with his testimony. This would not be admissible except on credibility, not to prove the substantive fact and it can't be admissible on that ground unless the ground work was laid for it by first asking the witness Partin if he had a certain conversation.

We can try a dozen lawsuits here in one if that was not the rule. That is our position.

Mr. Neal: Your Honor, may I be heard just briefly on that, too?

The Court: All right. Yes, sir.

Mr. Branstetter: I would like to be heard at the appropriate time.

Mr. Grady: So would I.

Mr. Neal: Even if they had asked him as I understand it now of course if we had what this witness was going to [fol. 6679] testify to we would know what area we are in. If he is going to—, if it is a matter of bias or prejudice, Your Honor, the case right on point is in the Sixth Circuit. You cannot ask about bias or prejudice statements indicating bias or prejudice unless you ask the witness, the alleged bias witness, on cross examination, whether or not he made this statement to a particular person.

There is a Sixth Circuit case squarely on that point. Smith versus United States, 283 F. 2d, Page 16 at Page 1821. Sixth Circuit 1960.

So if this man's testimony concerns alleged statements made by Partin which they are offering to show, offering in order to show bias and prejudice, the Smith case is squarely on point, Your Honor. Squarely on point.

Now, if it is, if it is a statement made in order to contradict some testimony of Partin then it has to be contradiction on the issue on a substantive matter. Not why he was in Birmingham. That is not in this lawsuit and I would like to read something, very clear statement from the McCormick on this particular point, if it is being offered to contradict.

Suppose Partin says on direct examination I went to Birmingham to attend a football game. This witness gets on the stand and testifies he told me he was down there to see a girl friend. That is a contradiction and a collateral [fol. 6680] matter. Your Honor, let me read something from McCormick on evidence. Page 100.

Statements are elicited from Witness One who has testified to a material story of a contract, crime, or conveyance to the effect that at the time he witnessed these matters, the day was windy and cold and he, the witness, was wearing his green sweater. Let us suppose that these latter statements about the day and the sweater to be disproved. This may happen in several ways. Witness One on direct or cross examination may acknowledge that he was in error. Judicial notice may be taken at the time and place that it could not have been cold and windy. But most commonly disproof or contradictions accomplished by calling Witness Two, this man right here in the place of Partin, to testify to the contrary, either the day was warm and Witness One was in his shirtsleeves. It is in this sense that we shall use the term contradiction.

What impeaching value would the contradiction have in this situation? Merely tends to show for One may be right and Two may be mistaken, that One has erred or falsified

as to certain particular facts, and, therefore, is capable of error or lying, and this should be considered negatively in weighing his other statements. But all humans have this capacity and all testimony should be discounted to some extent for this weakness.

[fol. 6681] The Court goes on to say that in a situation like that you can't be witness Two to correct a man on a matter that is collateral.

So if they are offering it for bias and prejudice this conversation, this Smith case is squarely on point. If they are offering it to contradict on some statement Partin said as to why he was in Birmingham it is clearly, Your Honor, a collateral matter and we could be here all day.

For example they could bring out on cross examination that Partin said my discharge from the Army occurred in 1940. They could bring in somebody to testify it occurred in 1941 and contradict him and then Schiffer could get up and call them a liar and perjurer and thus suborner of perjury and we could be here for ten years.

Mr. Haggerty: It could be the truth.

Mr. Neal: Your Honor, I have had just about—

The Court: (Interposing) Gentlemen. Mr. Schiffer. Mr. Schiffer, how many times have I instructed counsel not to make comments in that regard?

Mr. Schiffer: Your Honor, I apologize to the Court but he just carries me away.

The Court: How many times do you think the Court should accept an apology on such matters?

Mr. Schiffer: Your Honor, it shouldn't even happen once, but Mr. Neal always carries me away. He is always doing [fol. 6682] it to me and I haven't seen him picked up by the Court even once. He is always goading me and that is why he gets the answers.

Mr. Haggerty: May it please the Court, this witness in my understanding testified, his testimony is not just to prove that Partin was in Birmingham, Alabama at a certain time for a purpose other than working for the government. That is just a minor part of it. The major portion

of this witness' testimony goes to the very basic roots of this case. It is entirely germain. It is my understanding that there was a conversation between this witness and Partin. This is my information. Wherein Partin discussed this case with this man, his role in it, asked this man to do something in connection with it to corroborate and support him and I say to Your Honor it goes right to the very root of the case in the impeachment of Partin.

Now Partin has testified to certain things that he had led an exemplary life for fifteen years. He claimed that the reason for his troubles, the reason for his troubles was his connection with the Teamster Union amongst other things.

Now, his credibility on those lines is just as important as on the example cited by Mr. Neal. Therefore, I say to Your Honor that I can say in good faith and what I know about it, that this testimony is entirely relevant and mate-
[fol. 6683] rial to the issues before this case. And if a defendant cannot show such issues, the very defense that he is entitled to is taken away from him.

* * * * * * *

[fol. 6694] The Court: (Interposing) Well, gentlemen, the law appears to be quite clear in this, as the Court understands it, and I refer you, for example, to 58 American Jurisprudence on Witnesses, Sections 775 and following, in which the requirement of the method of laying foundation is very clearly set out and the requirement for laying a foundation is very clearly provided for.

If the defendants can cite to the Court any place in the record in the testimony of Mr. Partin where a foundation was laid I will permit it and you will have time to do that.

Mr. Schiffer: I might be able to enlighten the Court at this moment. If your Honor recollects the Witness Partin testified as to one particular point he was asked on cross examination, your Honor—

[fol. 6695] The Court (Interposing) Well, let's do this, Mr. Schiffer, let's get the page citation. I realize you can't do that at the tip of your fingers but you will have time to

do it. Let's get the page citation of wherein the foundation was laid for that, otherwise I think the testimony shall be excluded.

You will be permitted to put it in the record if you wish to but unless there has been a foundation laid for—

Mr. Schiffer: (Interposing) I thought if your Honor recalled only one point wherein he denied on cross examination, Partin, that he had something going as an arrangement with the government whereby for his testimony he was going to get certain consideration in the form of a deal, your Honor certainly recollects that, that is the very substance of this testimony.

The Court: Let's do this, Mr. Schiffer, find the place in the record, you will have time to do that.

Mr. Schiffer: All right, sir.

The Court: And cite that to the Court. Now, if you wish to proceed at this time with the witness and put it in the record you can do so or you can place another witness on the stand and we will proceed.

Mr. Schiffer: I would rather place another witness at this time. May we reserve then with this witness?

The Court: Yes, sir.

(Witness excused.)

[fol. 6696] Mr. Schiffer: I will make the offer of proof in the meantime and preserve the record with this witness, if the Court desires.

The Court: Let me just make a note here, Mr. Schiffer.

Mr. Schiffer: Yes, your Honor.

The Court: All right.

Mr. Grady: May I make a point of inquiry?

The Court: Yes.

Mr. Grady: I have no idea from anything that has been said in here and, of course, I have not talked to this witness to what he is going to say and I, of course, couldn't know what was relevant and what would apply to Mr. Tweel's case and I am a little bit puzzled about—

[fol. 6697] The Court: Well, it has been represented to the Court that this witness had a conversation with Mr.

Partin at some time subsequent to the Nashville trial in Birmingham, Alabama, and that this witness will testify to matters in that conversation which would allegedly impeach the Witness Partin.

Mr. Grady: Yes, your Honor, but—

The Court: (Interposing) This is being offered as a witness to impeach Mr. Partin, do I understand correctly?

Mr. Schiffer: That is correct, your Honor.

Mr. Grady: Do I understand your Honor's ruling at this time that the full extent of that conversation would be irrelevant without hearing the conversation unless the Defendant Tweel can produce any foundation laid without even knowing what the testimony is or the conversation is or what part might be relevant or irrelevant? We are put in a position here that I just can't understand as an attorney.

Mr. Berke: As I understand it, Court is reserving a ruling until we can find the pages in the record but not limited strictly to that. If we can show the Court that this goes to the heart of the defense, in other words, if the defense is, for example, that this is a frame-up to show that this was a frame-up conspiracy going between the witness and other witnesses, but we will be glad to take that matter up whenever we do find the other material, so you can consider [fol. 6698] it all at one time.

Mr. Schiffer: If the Court please—

Mr. Grady: (Interposing) Will your Honor consider my remarks in the nature of a motion, a continued motion, another ground of a motion for a mistrial for Mr. Tweel?

The Court: My remarks will be considered as overruling.

Mr. Schiffer: If the Court please, as an offer of proof with reference to the testimony of this witness, William Reynolds, he will testify—

The Court: (Interposing) I'm sorry, I missed your first remarks.

Mr. Schiffer: As to the testimony of William Reynolds he will testify in substance as follows—

The Court: (Interposing) All right.

Mr. Schiffer: As he has already testified, he is from Birmingham, Alabama, and has known Ed Partin since about 1955, that he first met Partin in Texas and that about six months ago Ed Partin went to Birmingham, Alabama, where he stayed at the Bankhead Hotel, that Partin one evening telephoned Reynolds at his home number and had a short general conversation. As a result of the importuning of Partin for a meeting they did meet, that during the course of that conversation, Partin asked Reynolds how he was coming along, whether he was satis- [fol. 6699] fied as to how he was treated by Mr. Hoffa when he, Reynolds, had trouble with the law.

Mr. Reynolds told him that he was satisfied and Partin talked a long time, that he should have expected, Partin told this witness that he should have expected more than what was done for him and that he, Reynolds, actually should be unhappy with the treatment that he received.

That they did not talk any further that evening. That sometime later Ed Partin was back in Birmingham, Alabama, and he told William Reynolds once again, he told him that it was concerning an important matter and that he would like to meet with him in a restaurant across the street from the hotel, that about 30 minutes after the phone call William Reynolds did go down to the restaurant and when he went in he noticed Partin sitting in a booth in the restaurant.

[fol. 6700] That after some general conversation Partin came to the point as to what his purpose was for calling Reynolds. He told Reynolds that he needed someone to corroborate the testimony he was going to give concerning Mr. Hoffa when he went to trial.

Partin stated that he did not know anyone in Nashville with the exception of Don Vestal, but that he could not use Don Vestal because of the fact that Don Vestal was not an officer of the union at that time.

That he, Partin, wanted Reynolds to state that Mr. Hoffa gave him or offered to give him $10,000 if he could get to a juror. That Mr. Reynolds asked him are they doing you the way they did me? That Partin asked what did they do

to you and Reynolds answered when I was in trouble I was told by the United States Government Agents that all that I would have to do is adopt the story that they would tell me and testify against Mr. Hoffa and that they would drop the charges then pending against me and I told them that I was innocent of any charges.

The Court: Not quite so fast, Mr. Schiffer.

Mr. Schiffer: Sorry.

"And I told them that I am innocent of any charges and I don't intend to lie for you people or anyone else. I don't know anything against Mr. Hoffa and I will not lie in order to save myself. And if a jury were to find me guilty of any [fol. 6701] charges then I would take my punishment like a man.

"That Partin said yes, I have got a similar offer and it is either Jimmy's neck or my neck and it ain't going to be my neck. That Partin then went on to explain that there was quite a bit of money involved. That if this plan could be carried out and in response to this Reynolds told Partin in the first place I do not recall being in Nashville at all during the year 1962. But Partin explained that that would not present too much of a problem because no one would do anything about it and he would not be punished for any perjury because he would be testifying for the government.

"That with that Reynolds told Partin I want you to understand one thing and I want to make myself clear, I think you are a disgrace to yourself, you are in trouble and you are trying to buy yourself out of it with the lies against Jimmy Hoffa, who has done nothing but good for the whole union. You know Hoffa is not guilty of the things you are going to testify about and you want me to double up on your lies.

"That Reynolds then told Partin don't ring my phone again. I want you to understand, just don't ring my phone again. If you don't understand it, just don't ring my number. And with that the meeting broke up."

In substance, your Honor, that will be the testimony of [fol. 6702] the witness, William Reynolds.

The Court: All right. The Court will reserve any further ruling on that then until I have had a further opportunity to research the law and also to cite the Court any places in the record.

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[fol. 6757] LESTER BLOOMENSTIEL, a witness called at the [fol. 6758] instance of the Defendant James R. Hoffa, having been first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Berke:

Q. Will you please state your name, sir?
A. Lester Bloomenstiel.
Q. What is your age?
A. Forty-four.
Q. Where do you live?
A. Baton Rouge, Louisiana.
Q. What business are you in, Mr. Bloomenstiel?
A. I am manager of the Baton Rouge Cigarette Service, Incorporated.
Q. And how long have you lived in Baton Rouge?
A. Since 1947.
Q. Do you know Edward Partin?
A. Yes, sir.
Q. How long have you known him?
A. Since either the latter part of 1956 or the first part of 1957.
Q. State whether or not you were in any way a business associate of Mr. Partin?
A. Yes, sir, Mr. Partin and I had a truck stop together.
[fol. 6759] Q. And did you know Mr. Partin before you got into this venture?
A. Yes, sir.
Q. When did you get into the truck stop business?
A. 1959. March of 1959.

Q. How long did you continue operating the truck stop?

A. I got out of the truck stop business before the end of—did I say 1957 or 1959?

Q. I think you said 1959.

A. I got out of it before the end of 1959 and he remained in it for a while after that.

Q. Have you known Mr. Partin since that time also?

A. Yes.

Q. Do you know him up to the present time?

A. Yes, sir.

Q. I will ask you, Mr. Bloomenstiel, if in the operation of your truck stop business if you and Mr. Partin became indebted to the United States Government for a tax?

A. Yes, sir. Over-the-road tax on diesel fuel, Mr. Partin failed to send a declaration in without my knowledge. And we were to be charged with fraud and we were given an opportunity to declare the taxes we owed, and we agreed to each pay our share. I paid my share and Mr. Partin never paid his and the Federal Government quit pursuing him and I had to pay his share and mine too.

[fol. 6760] Q. How much was the tax that was declared against you and Mr. Partin by the United States Government?

A. Ninety-seven hundred and some-odd dollars.

Q. Mr. Bloomenstiel, who was the representative of the United States Government with whom you dealt about the collection of this tax?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

The Witness: Can I answer?

Mr. Berke: No, you can't answer that.

By Mr. Berke:

Q. Well, who was the Collector of Internal Revenue that dealt with the collection of tax?

Mr. Hooker: We object to that.

The Court: Sustained.

Mr. Berke: If your Honor please, he is a representative of the government and we want to show about the tax. And, of course, I don't want to state any more, but we think it is competent.

The Court: I don't believe, I don't see how it could be competent. Sustain the objection.

By Mr. Berke:

Q. Was this money due the Internal Revenue Department of the United States Government?

A. Yes, sir.

[fol. 6761] Q. After you paid your half of the tax—

Mr. Hooker: If your Honor please, we object to any further inquiry about this matter. We can't try that tax case surely in this case.

Mr. Berke: Not trying to try the tax case, if your Honor please. The purpose of this is to show that it is competent, if your Honor please. It is to show that the government has given Mr. Partin immunity on the collection of his half.

The Court: I understood he paid the full dollars $9,700, didn't he?

Mr. Berke: He said he paid his half.

The Court: Didn't you say you paid the rest of it?

The Witness: That was left on Mr. Partin, sir.

The Court: He paid all of it. All right. Sustain the objection.

By Mr. Berke:

Q. Did you pay it all at one time?

A. Paid my half at one time. And then later when I sold a piece of property I had to pay what was left to lift a lien which the government had taken. They were given orders not to pursue Mr. Partin.

Q. Did you have any real estate yourself?

A. Yes, sir.

[fol. 6762] Mr. Hooker: We object to that.
The Court: Sustain that.

By Mr. Berke:

Q. Did Mr. Partin—

Mr. Hooker: (Interposing) We think the jury—

By Mr. Berke:

Q. Did you own real estate?
A. Yes, sir.

Mr. Hooker: We think the jury ought to be instructed not to consider that, if your Honor please. Obviously not competent.

Mr. Berke: If your Honor please, we think this is competent that the government—that he had real estate and Mr. Partin didn't, the government could have collected and preferred not to and I would like—

The Court: (Interposing) This is way back in 19 when?
The Witness: This ended only last year, your Honor.
Mr. Berke: Yes, sir.
The Court: All right.

By Mr. Berke:

Q. When did this take place now, the payment of Mr. Partin's share of the tax?
A. In June, 1963.
[fol. 6763] Q. Now, when did you pay your half of the tax?
A. 1960.
Q. In 1963, when you paid your half of the tax, did Mr. Partin have real estate out of which the tax could have been collected?
A. When I paid mine Mr. Partin owned a farm.

The Court: Sustain the objection.

By Mr. Berke:

Q. Did any representative of the Internal Revenue Service advise you why they would not collect the tax off of Ed Partin?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

Mr. Berke: If your Honor please, that's a representative of the government, if your Honor please, and we are trying to show, if your Honor please, it was in June of '63, and we are trying to show, if your Honor please, it's right during this very crucial point at the time when he was given immunity from the payment of this.

The Court: Now—

Mr. Berke: (Interposing) And I think it's competent, if your Honor please.

Mr. Hooker: If your Honor please, we object to that statement, I think that's highly improper.

Mr. Berke: Well, we have to show why we insist on its [fol. 6764] competency, if your Honor please, if we don't urge on the Court the reason that it is competent we waive any further objection that there might be to it, it may be competent and incompetent for different reasons.

Now, we state the reason that we are offering this testimony.

The Court: Well, I will allow him to answer and you may proceed.

A. Restate your question, please.

Q. Mr. Bloomenstiel, what statement, if any, was made by the Internal Revenue Service agent as to why they were not collecting the tax from Mr. Partin?

A. When I went in to pay the tax I asked them why hadn't they pursued Mr. Partin for it instead of me having to pay it and they told me that they had received orders from New Orleans not to pursue Mr. Partin any further.

I said why would they do that.

They said, "Evidently they are going to use Mr. Partin for something a whole lot larger, bigger," in those words.

Mr. Hooker: We'd like to know who it was, who made any statement, such statement.

The Witness: It was either Mr. Genart (phonetically) or Mr. Major; Genart is the one that I dealt with and Major was the other one.

[fol. 6765] Q. Mr. Bloomenstiel, after you paid your one half of the tax in 1960 and for a 3-year period did they pursue you or try to get you to pay the other half of the tax?

A. Yes, they almost ran me crazy.

Q. To your knowledge have they made any effort to try to collect this off of Mr. Ed Partin?

A. I understand in the beginning they called Mr. Partin and went out to his office but could never get to talk to him, he hung up on Mr. Genart one time and one of the collectors.

Mr. Hooker: This witness is volunteering a lot of information he couldn't possibly have any personal knowledge of.

Mr. Berke: We object.

By Mr. Berke:

Q. How did you get—

A. (Interposing) Mr. Genart gave me that.

The Court: Just a moment. Sustain the objection. Strike the answer.

By Mr. Berke:

Q. Did you get any information from Mr. Genart, the federal agent, as to their efforts to try to collect this money?

A. Yes, sir, he even asked me if I knew a way he could collect it in the beginning.

[fol. 6766] Q. Now, in June 1963, other than the statement that they made to you, do you know of any other reason why they would suddenly stop trying to collect this tax?

Mr. Hooker: We object to that.
The Court: Sustain the objection.

By Mr. Berke:

Q. After you and Mr. Partin went into this truckstop venture state whether or not you became ill?
A. Yes, sir.
Q. During the period of your operation?
A. Yes, sir, I was in the hospital for seven weeks.
Q. Before you went in the hospital, who was operating that truckstop?
A. Mr. Partin's brother ran the service station and a girl by the name of Mildred Kelly and Partin together ran the cafe.
Q. Do you know Mildred Kelly?
A. Yes, sir.

Mr. Neal: Your Honor, this is not competent testimony.
The Court: Sustain the objection.

By Mr. Berke:

Q. Which brother is that that managed the business, which brother of Ed Partin's?
A. Donald Partin.
[fol. 6767] Q. Do you know Douglas Partin?
A. Yes, sir.
Q. Are you under subpoena to testify in this case?
A. Yes, sir.
Q. Do you know the defendant, Mr. Hoffa?
A. I have met Mr. Hoffa.
Q. And when did you meet him?
A. Today.
Q. Prior to today did you ever know Mr. Hoffa?
A. No, sir.
Q. Since you have been under subpoena and here in the courthouse, have you been threatened by any member of Partin's family?
A. His brother told me that he—

Mr. Hooker: (Interposing) We object to that.

A. Was ready—

The Court: (Interposing) Sustain the objection.

Mr. Berke: We think our witnesses are entitled to some protection.

The Court: Yes.

Mr. Berke: We think that is a matter that can be called to the Court's attention.

The Court: Ladies and gentlemen, you will disregard that statement. Proceed.

By Mr. Berke:

[fol. 6768] Q. Do you know his brother, Douglas Partin?

A. Yes, sir.

Q. Is he here today?

A. Yes, sir.

Mr. Berke: Your witness.

The Court: Any other examination by any defendant? If not, you may cross examine.

Mr. Reddy: Your Honor, we found that statement by Mrs. Partin. There is another little piece of paper with it, I don't know whether they want to make that an exhibit or not.

Mr. Berke: Just this one paper.

The Court: Exhibit No. 199.

Mr. Berke: We would like to introduce that in evidence.

Mr. Hooker: If your Honor please, we would like at this time, if we may, to reserve cross examination of this witness.

The Court: All right.

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[fol. 6826] Edwin C. Stevick, a witness called at the instance of the Defendant James R. Hoffa, having been first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Berke:

Q. What is your name, please, sir?
A. Edwin C. Stevick.

The Court: How do you spell it?
The Witness: (Spelling) S-t-e-v-i-c-k.

[fol. 6827] By Mr. Berke:

Q. Where do you live, Mr. Stevick?
A. Baton Rouge, Louisiana.
Q. What kind of work are you engaged in?
A. Teamsters.
Q. And what kind of work do you do?
A. Driver, warehouseman.
Q. Who do you work for?
A. Nobody now.
Q. Back in January, 1964, where were you working?
A. Nowhere.
Q. How long have you been a member of the Teamsters?
A. Twenty years.
Q. Do you know Edward Partin?
A. Yes, sir.
Q. How long have you known Edward Partin?
A. Approximately two and one-half years.
Q. Mr. Stevick, I will ask you if in January, 1964 shortly before this case was set for trial, if Edward Partin was in Baton Rouge, Louisiana?
A. Yes, sir.
Q. And where was he?
A. They were having a hearing of some sort on a strike that they had on Choctow route at Hart-McGowan Contracting Company.
[fol. 6828] Q. Was he in Baton Rouge, Louisiana?
A. On the 17th of January?
Q. Yes, sir.
A. Yes, sir.

Q. Do you recall whether or not the Defendant James R. Hoffa sent a telegram to the Local Union on January 17, 1964?

A. Yes, sir.

Q. What orders, if any, were given to the local union at that time?

Mr. Hooker: We object to that.

Mr. Berke: If Your Honor please—

The Court: (Interposing) I think we can determine the materiality of it. I will allow him to answer.

Mr. Berke: Go ahead.

The Witness: He was sent a telegram instructing him to remove the picket line from Tidewater Construction Company in St. Francisville, Louisiana.

Mr. Hooker: We object to it. Move the answer be excluded. Doesn't have any materiality in this case.

The Court: Overruled. I'm unable to determine at this time.

By Mr. Berke:

Q. After Mr. Partin had received this telegram from Mr. Hoffa, what if anything, did Mr. Partin do?

[fol. 6829] Mr. Hooker: We object to that.

The Court: Overruled.

The Witness: Am I to answer?

Mr. Berke: You can answer.

The Court: Yes.

The Witness: He said he showed us a copy of that telegram. We were standing in the hall. He showed us a copy of that telegram. And it instructed him that he could reach Mr. Hoffa at the Edgewater Hotel in Chicago, Illinois. If he called him, which he did. He went in the office and called Mr. Hoffa. And he told Mr. Hoffa over the phone that if he was forced to remove that picket line he would come to Chattanooga and testify—

Mr. Hooker: (Interposing) We object to that.

The Court: Overruled.

By Mr. Berke:

Q. Just continue on.

A. That is all I know, sir. I overheard that.

Q. Well, Mr. Hooker interrupted you, will you please state again without interruption what Mr. Partin—

A. Said?

Q. Had said.

A. He said, he said that if he was forced to remove the picket line from Tightwater Construction Company in St. Francisville, Louisiana he would come to Chattanooga and [fol. 6830] testify against him.

Mr. Berke: Your witness. Or anybody else.

Mr. Hooker: If Your Honor please, I want to make an objection on the grounds that this answer is immaterial. This is a collateral matter which there is no foundation laid and it is not admissible.

The Court: Overrule the objection. All right, any further examination of the witness by any defendant?

Mr. Neal: We have a couple of questions, Your Honor.

Cross examination.

By Mr. Neal:

Q. Mr. Stevick, how do you know he was speaking to Mr. Hoffa? Could we get that straight?

A. I do not know if he was speaking to Mr. Hoffa or not. I heard him through a partition.

Q. Oh, you weren't in the room?

A. No, sir, but he was hollering loud enough that anybody in the Teamsters Hall could hear it.

Q. Do you even know he was talking on the phone?

A. I don't know if he was actually on the phone.

Q. Well, then, why did you get up here and say it is your knowledge that he has talked to Mr. Hoffa on the phone?

A. He told—

Mr. Neal: (Interposing) Just a moment, Your Honor, [fol. 6831] we move that this testimony—

Mr. Brown: (Interposing) May the Court please, he asked the man a question and then won't let him answer. We object to that.

Mr. Schiffer: And he is misquoting the man's testimony, Your Honor. The record will not indicate that he responded in the manner in which Mr. Neal is now attempting to repeat.

The Court: Proceed.

By Mr. Neal:

Q. Mr. Stevick—

A. Sir?

Q. As a matter of fact, Mr. Partin made no such statement? That was—

Mr. Brown: (Interposing) The man is trying to answer when he was cut off. We ask that he be allowed to answer.

The Court: State your question.

By Mr. Neal:

Q. Do you know Mr. Emmett Tucker?

A. Yes, sir.

Mr. Schiffer: He has not answered the question which the witness was in the process of answering, Your Honor, and I think he is entitled to the same courtesy that Mr. Partin was afforded.

[fol. 6832] Mr. Neal: I want to give you every courtesy.

The Court: Were you finished answering?

The Witness: Sir, he got me mixed up.

Mr. Berke: Let the reporter read the question.

Mr. Neal: Yes, sir, if you want to answer something, you answer something. I certainly want to give you every courtesy to make any answer you want.

The Court: Well, if we will all stop talking, he wants the court reporter to read back.

The Reporter: Your Honor, what did they want read back?

The Court: Let's move along.

By Mr. Neal:

Q. Mr. Stevick, who else was in the room with Mr. Partin?

A. In the room when he was making the call or in the union hall?

Q. Well, you say making a call when you were out in the other room and overheard this statement you say was made.

A. There was a boy by the name of Debbie George.

Q. Who else?

A. A boy by the name of Kitchen and a boy by the name of—, I can't think of his name now. Stuntz.

Q. Stumps?

A. Stuntz. I don't know how to spell his name.

[fol. 6833] Q. Mr. Emmett Tucker in there?

A. Yes, sir, he was there.

Q. As a fact, it was Mr. Emmett Tucker who made that statement, wasn't it? If that is the statement that was made?

A. No, sir, Mr. Partin.

Q. Pardon me?

A. It was Mr. Partin.

The Court: All right, anything further?

Mr. Hooker: If Your Honor please, we submit that the answer is wholly immaterial. And inadmissible and no proper foundation laid for it. It can have no possible connection with this case.

The Court: Overrule the objection.

Mr. Berke: That is all. Thank you, Mr. Stevick. You may go back.

(Witness excused.)

The Clerk: Raise your right hand, please? Do you solemnly swear that the testimony you will give in this case shall be the truth, whole truth, nothing but the truth, so help you God?

The Witness: I do.

The Clerk: Have a seat.

DEBBIE L. GEORGE, a witness called at the instance of the Defendant James R. Hoffa, having first been duly sworn, was examined and testified as follows:

[fol. 6834] Direct examination.

By Mr. Berke:

Q. What is your name, please?
A. Debbie L. George.
Q. What is your age, Mr. George?
A. Thirty.
Q. Where do you live?
A. I live at Baton Rouge, Louisiana. 5169 Annette Street.
Q. What kind of work have you followed in your lifetime?
A. Mostly mechanical work.
Q. Where are you employed?
A. Right now I'm unemployed.
Q. Were you a member of the Teamsters Union?
A. Yes, sir.
Q. Are you still a member of the Teamsters Union?
A. Yes, sir.
Q. How long have you been a member of the Teamsters Union?
A. About two and a half years.
Q. Do you know Edward Partin?
A. Yes, sir.
Q. How long have you known him?
A. About four years.
[fol. 6835] Q. Do you know what kind of work Ed Partin does?
A. Yes, sir.
Q. What kind of work does he do?
A. He is business agent for Local No. 5.
Q. Mr. George, were you present at the time Mr. Hoffa sent a telegram to remove some picket lines from a strike that was going on there in Baton Rouge?
A. Yes, sir.

Q. Who ordered that strike?

A. Ed Partin.

Q. In January, 1964, how many strikes were going on in Baton Rouge, Louisiana?

A. Two for sure. I believe it was three.

Q. All right, will you please state the businesses that were struck by Mr. Partin?

A. Tightwater Construction Company.

Mr. Hooker: We object to it. It is immaterial.

The Court: Sustain the objection.

[fol. 6836] Q. All right. Did you receive more than one telegram from Mr. Hoffa?

A. Yes, sir.

Q. Were these telegrams with reference to different strikes?

A. Yes, sir.

Q. Do you recall on January 17th which was the last telegram, sir?

A. Yes, sir.

Q. Did you see Edward Partin in the union hall when he received this telegram from the Defendant James R. Hoffa?

A. I did.

Q. Which strike was this with reference to?

A. Tidewater Construction Company.

Q. Was this telegram shown to you or read to you by Ed Partin?

A. A copy of the telegram handwritten was showed to me.

Q. By who?

A. By Ed Partin.

Q. Did the telegram order the removal of pickets from the strike?

A. Yes, sir.

Q. What statement, if any, did Mr. Partin make after you received this message from Mr. Hoffa?

[fol. 6837] A. He said, "If Mr. Hoffa makes me pull down this picket line, I got a little black book right here I am going to go up here and testify against him in Chattanooga."

Q. Now, on the previous occasion in January did you hear Mr. Ed Partin make any statement about Mr. Hoffa and what he was going to do?

A. I did. He told me that Emmett Tucker would come up here to Chattanooga and say that Mr. Hoffa give him $10,000 to bribe a jury member if he made us pull down that picket line.

Mr. Hooker: We object to that.

The Court: Well.

Mr. Hooker: No foundation whatever for it, if your Honor please.

Mr. Berke: Yes, your Honor, that was gone into with Mr. Partin.

The Court: Well, I will look at it this evening and see.

By Mr. Berke:

Q. Were the pickets withdrawn in accordance with Mr. Hoffa's orders?

Mr. Hooker: Object to that.

A. No, sir.

The Court: Sustain the objection.

By Mr. Berke:

[fol. 6838] Q. Did you hear any other threats made by Mr. Partin against Mr. Hoffa?

Mr. Neal: Now, your Honor, there has been no foundation laid for this.

The Court: Sustain the objection.

Mr. Berke: One moment, your Honor.

By Mr. Berke:

Q. Mr. George, at the time you heard that conversation on January 17th, 1964, was Edwin Stevick there at the time?

A. Yes, sir, him and several other members.

Q. Where did Mr. Partin go when he made this statement?

A. He said he was going to call Mr. Hoffa on the telephone.

Q. Could you—

A. (Interposing) And I heard.

Q. Go ahead.

A. I heard him talking on the telephone and he said if Mr. Hoffa made him pull down that picket line he would come up there to Chattanooga and testify against you, is what he said, when he come out he said he was talking to Mr. Hoffa, I don't know who he was talking to.

Q. Was he talking loud enough for you to hear?

A. He was hollering.

[fol. 6839] Q. Beg your pardon?

A. He was hollering very loud, screaming. He was pretty upset.

Mr. Berke: All right, you may ask.

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[fol. 6924] February 24, 1964

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Mr. Schiffer: Your Honor, in keeping with the rules that your Honor has just made, I believe your Honor reserved on Friday reference to William Reynolds?

The Court: Yes. The Court is of the opinion that the [fol. 6925] objection to that testimony should be sustained.

Mr. Schiffer: Well, your Honor, with reference to Mr. Reynolds, may I point out to the Court that Mr. Reynolds actually goes to the factum of the indictment. He is an impeaching witness who relates precisely to what the star witness Partin had in his mind and what he was going to testify and the fact that he was getting a reward from the government for his testimony. And we believe, your Honor, that certainly is material and on that point may I refer to a case which I think your Honor will find very

interesting, State against Curcio (spelling) C-u-r-c-i-o, it is found in 129 American Reports Second 871. It is a New Jersey case in the last reporter and at page 873—

The Court: (Interposing) I do not have access to the report you are referring to, Mr. Schiffer. Do you have any other citations?

Mr. Schiffer: A photostat of the case. I have a photostat of the case. I have just one sentence that I wanted to read.

Mr. Silets: It is in my brief I handed in.

The Court: Yes, sir.

Mr. Schiffer: And that is the story which Jackson, a witness for the prosecution, the story which Jackson related was noticeably consistent and for an elderly man his memory of events that transpired for the relationship [fol. 6926] of the defendant was remarkable. In view of this it was especially important to the defense to thoroughly test the witness' credibility and because of his own involvement to reveal whatever interest he might have in a conviction of the defendants. In brief, did he buy his peace from the prosecution?

That is the real question.

The Court: Do you have by any chance a copy of the opinion itself that the Court might see?

Mr. Schiffer: This is the opinion. I will be very happy to hand it up to the Court. It is a photostatic copy.

The Court: I would appreciate having that and I will consider your question further as to that respect.

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[fol. 7015] Lawrence N. Steinberg, a witness called at the instance of the Defendant James R. Hoffa, having been first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Haggerty:

Q. Your name, please?

A. Lawrence N. Steinberg.

Q. Where do you reside, Mr. Steinberg?
A. 923 Richards Road, Toledo, Ohio.
Q. And what is your occupation, Mr. Steinberg?
A. At the present time I work for a trade union.
Q. And what trade union do you work for?
A. Local 20, International Brotherhood of Teamsters.
Q. And what, if any, office do you hold in that union?
A. I am the president.
Q. How long have you been president?
A. I will say approximately 20 years.
[fol. 7016] Q. Now, Mr. Steinberg, in the latter part of 1962, particularly the months of October, November and December, had you any connection and, if so, in what capacity, with the International Brotherhood of Teamsters as an employee of the International Brotherhood of Teamsters?
A. I was an employee of the International Brotherhood of Teamsters in the capacity of a personal representative to the General President.
Q. Now, Mr. Steinberg, you are a married man?
A. Yes, sir.
Q. Your home is established in Toledo, Ohio?
A. Yes, sir.
Q. Now, during the time or during this period that we are speaking of, 1962, when you were personal representative of the president, what did those duties entail?
A. You are referring to those three months specifically?
Q. I am speaking of your duties in general first of all, then specifically.
A. Any assignment that would be given to me by the General President it would be my duty to fulfill.
Q. And in addition were you in Washington a considerable period of the time?
A. Yes, sir.
Q. Were you there on a weekly basis or monthly basis [fol. 7017] or what?

A. I was there on an in and out basis but I would say that I would spend the most of my days during the week in Washington.

[fol. 7018] Q. And in addition were you sent to other places by the president as his personal representative?

A. Yes, sir.

Q. On union business?

A. Yes, sir.

Q. Now, did you go to Nashville, Tennessee?

A. Yes, sir.

Q. In the month of October 1962?

A. Yes, sir.

Q. And have you a recollection if anyone accompanied you to Nashville, Tennessee?

A. Yes, sir.

Q. Do you recall the date that you first got there in the month of October of '62?

A. Yes, sir, I do.

Q. What was the date?

A. The 21st day of October.

Q. And did you accompany someone to Nashville?

A. From Cincinnati I accompanied the General President.

Q. And that is the defendant in this case, Mr. James R. Hoffa?

A. General President Hoffa.

Q. Now, when you arrived in Nashville, did you meet anyone?

[fol. 7019] A. Yes, sir.

Q. Would you state whom?

A. Gayle Wesmey, the president's secretary, was at the airport, Ewing King, there may have been others, but I don't recall their names.

Q. Now, after arriving at the airport did you ride in some sort of vehicle to downtown Nashville?

A. Yes, sir.

Q. With whom did you ride?

A. I believe we rode in Mr. King's automobile.

Q. And what hotel did you go to in Nashville?

A. Andrew Jackson.

Q. Now, on arriving there, had there been any office set up, that is, an International office?

A. There was a partial office set up.

Q. Was an office then set up?

A. Yes, sir.

Q. That is with typewriters, all the equipment that is needed for the office, personnel and so forth?

A. Yes, sir.

Q. And who set that office up?

A. I did and Mr. Hoffa's secretary.

Q. That's Mrs. Wesmey?

A. Yes, sir.

Q. Now, were you in Nashville during the balance of [fol. 7020] the month of October?

A. Yes, sir.

Q. Were you there during November?

A. Yes, sir.

Q. Were you there during December until the termination of the case?

A. Yes, sir.

Q. Which I believe has been testified and established as December 23rd, 1962?

A. Yes, I was there.

Q. Now, do you recall where Mr. Hoffa's suite was in the Andrew Jackson Hotel?

A. I believe it was on the seventh floor.

Q. Now, did you have a room or rooms close or adjacent to Mr. Hoffa's suite?

A. Yes, I did.

Q. And where was the office that was set up, the International office, was that in close proximity to Mr. Hoffa's suite?

A. As I recall it, Mr. Haggerty, it would be the third room from Mr. Hoffa's suite.

Q. Now, while this case was on trial in Nashville, did you fulfill your function as a personal representative of the president of the Internation union?

A. Yes, I did, sir.

[fol. 7021] Q. Do you know a man by the name of Edward G. Partin?

A. Yes, I do.

Q. When did you first meet him, your best recollection?

A. I met him in the early days of our arrival in Nashville.

Q. Had you known him prior thereto?

A. I don't believe so.

Q. Were you introduced to him by anyone?

A. No, sir.

Q. Or how did you meet him?

A. He came into our office, the International office. I don't recall the method that was used in starting the conversation, but he seemed to know me and then he told me who he was.

Q. Now, was a daily routine established by you in the operation of that office, the International office?

A. Yes, sir.

Q. And was a daily routine established by you in reference—in connection with the activities of Mr. Hoffa?

A. Yes, sir.

Q. Now, in the morning upon arriving what time would you see Mr. Hoffa?

A. Well, as a matter of fact, Mr. Haggerty, I would get up before Mr. Hoffa did and I had a key to his suite and would open the suite and try to call things to his attention [fol. 7022] that sometimes made it impossible to discuss it with him the night before and that was the routine.

Q. And what time in the morning would this be as a rule?

A. It was early in the morning, seven or shortly after and sometimes before.

Q. Now, do you recall about what time Mr. Hoffa went to breakfast?

A. Mr. Hoffa would go to breakfast around eight o'clock or sometimes before eight.

Q. Did you accompany him on occasion?

A. Most of the time I would accompany Mr. Hoffa, yes.

Q. And would other persons accompany him to breakfast?

A. As I recall, there were other persons, yes.

Q. And do you recall that he sat at the same table in the same dining room at the Andrew Jackson Hotel in Nashville every day that he was there?

A. I would say yes, sir.

Q. That is at breakfast time?

A. Yes, sir.

Q. Do you recall whether or not it was a large table?

A. There would be several tables put together, yes.

Q. And there would be a large number of people that he would be with each and every morning?

[fol. 7023] A. Yes, sir.

Q. Now, after breakfast, is it within your knowledge where Mr. Hoffa went; after breakfast, did he return to his suite?

A. It depended a great deal on the time consumed in the coffee shop, sometimes they would pursue to court directly from the coffee shop and sometimes he would return back to his suite.

Q. And did you accompany him to court?

A. On several occasions, yes, sir.

Q. On the occasions that you did not accompany him to court you returned to your duties in the International office?

A. Yes, sir.

Q. Now, have you knowledge of the fact of the time that the court commenced in Nashville, Judge Miller's court?

A. Yes, I believe I do.

Q. And what time was that?

A. I would say ten o'clock.

Q. Well, I think from the record you would be an hour out, it started at nine o'clock.

A. Nine o'clock?

Q. Yes.

A. I thought it was ten.

Q. Now, do you know what time Judge Miller adjourned [fol. 7024] court?

A. I believe around one o'clock or shortly after.

Q. And have you any personal knowledge of the fact that before returning to the Andrew Jackson after court luncheon was had by Mr. Hoffa accompanied by many others before he returned to the Andrew Jackson?

A. When I was there, that is what happened, yes, sir.

Q. So about what time in the afternoon would Mr. Hoffa return to the Andrew Jackson?

A. When I was with Mr. Hoffa we would walk down to an Italian restaurant.

Q. Yes. And after you ate, then what happened?

A. Accompanied by his attorneys and after we ate we would walk back to the Andrew Jackson.

Q. And about what time would you get to the Andrew Jackson, do you recall?

A. My guess would be between 2:30 and 3:00 o'clock.

Q. Now, upon return to the Andrew Jackson, what did Mr. Hoffa do to your knowledge?

A. Well, sir, it was routine.

Q. All right, what was the routine?

A. That was our opportunity to sit down and discuss with Mr. Hoffa the problems of our union, show him some of the correspondence, have him sign documents, and sometimes if there weren't too many he would go into the— I [fol. 7025] believe it was the Elk's Club next door and go in there in the steam room.

Q. Did you accompany him?

A. On many, many occasions I have, sir.

Q. And is it within your knowledge if you didn't accompany him someone else did, that is, from the group?

A. I have observed—

Mr. Neal: (Interposing) He is asking for a little bit of incompetent testimony there, isn't he?

Mr. Haggerty: If it is within his knowledge.

The Court: Proceed.

[fol. 7026] Q. Now, did you answer the question?

A. No, sir.

Q. Would you answer that?

A. To the best of my knowledge he was accompanied by others.

Q. Now, about what time would Mr. Hoffa on the occasions that he went to the Elk's Club, what time would he return to the hotel? The Andrew Jackson Hotel, that is, his suite?

A. My guess would be about an hour and fifteen minutes. An hour and a half.

Q. Now after he returned from the Elk's Club, do you know why he went over there? To the Elk's Club? Do you know what he did over there?

A. Yes, I do.

Q. What did he do?

A. He would be in the steam room and get a massage and turn around and go back.

Q. Now, after he returned from the Elk's Club on those occasions that he went, or if he continued working, what time would he go to dinner in the evening?

A. Well, that varied, sir. There was no specific time schedule for having dinner. But it depended on how many calls he had to make when he returned and at times he would normally get into a conference with his attorneys [fol. 7027] and then go to dinner. He didn't have any specific schedule as far as dinner was concerned.

Q. And would he be accompanied by other persons when he went to dinner?

A. Yes, sir.

Q. Did you go with him on many occasions?

A. On many occasions, yes, sir.

Q. Attorneys would go?

A. Yes, sir.

Q. And other persons that were engaged?

A. Yes, sir.

Q. Personnel of the International?

A. Yes, sir.

Q. Now, after that where did he go?

A. Well, as a rule he would go right back into conference with his attorneys.

Q. And that conference with his attorneys in the evening would last until what time?

A. Well, sometimes until twelve, one, two, three o'clock in the morning.

Q. And did you after the attorneys had left have any conversation with him?

A. Whenever I was in Nashville I would be the last one to talk with him before he went to bed, yes, sir.

Q. And on some occasions did you have union business [fol. 7028] to discuss?

A. Our discussions was always in connection with union business.

Q. Were there papers for him to sign that late at night or early in the morning?

A. Yes, sir. Yes, sir.

Q. And that was about the daily routine, is that true?

A. That would be a correct statement.

Q. Now, did you spend a great deal of time in Mr. Hoffa's suite on the business of the International with him?

A. Yes, sir.

Q. Do you recall of ever seeing Ed Partin in the suite? Have you a definite recollection?

A. I don't have any definite recollection of any specific recollection of Ed Partin being in his suite.

Q. Now, did you see Ed Partin around the hotel other than in Mr. Hoffa's suite?

A. Yes, sir.

Q. On many occasions?

A. Yes, sir.

Q. When would you usually see him, taking a day, or one day, when would you usually see him?

A. Well, sir, it seemed that he would be there early in [fol. 7029] the morning almost about the same time that I was up. Bring me my newspaper and have one for Mr. Hoffa. And it was on an in-and-out basis. I didn't particularly keep track of his—

Q. (Interposing) Now, when you say he was there he was in, was he in the office of the International or your bedroom?

A. I don't recall ever seeing him in my bedroom, no, sir.

Q. Where did you see him when you say he brought the paper in the mornings?

A. Mr. Haggerty, you would see Ed Partin all over but most of the time he would come into our office.

[fol. 7030] Q. Did you have any talks with Ed Partin while he was there?

A. Yes, sir, I have.

Q. Did you ever have any talks concerning his personal affairs and union affairs?

A. Yes, sir. Not personal.

Q. Not personal, just union affairs?

A. Yes, sir.

Q. What did he ever tell you about the condition or in reference to his condition of his local union No. 5 at Baton Rouge?

Mr. Hooker: We object to that, Your Honor.

Mr. Neal: We object to that, Your Honor.

Mr. Haggerty: I think that is material.

Mr. Neal: How is it material?

The Court: Overruled.

By Mr. Haggerty:

Q. What did he ever tell you, do you recall?

A. I don't recall any details but he seemed to have some—

Mr. Hooker: We object to what he seemed to have.

Mr. Haggerty: Not what he seemed to have.

By Mr. Haggerty:

Q. But what he said, Mr. Steinberg.

The Court: Sustained.

[fol. 7031] By Mr. Haggerty:

Q. Your Best recollection.

A. He would discuss with me the position of his local union. Or he did discuss with me the problems of his local union on a couple of occasions.

Q. Do you recall what he did say?

Mr. Hooker: We object to it.

By Mr. Haggerty:

Q. Your best recollection.

A. To the best of my recollection he talked to me about some of his difficulties with some of the indictments.

Mr. Hooker: If Your Honor please, we want to object to this on the grounds there has been no foundation laid for it. It is a collateral matter.

Mr. Haggerty: I think it is proper.

Mr. Hooker: It is incompetent.

Mr. Haggerty: You don't have to lay a foundation. It is not impeachment.

The Court: Well, it is time for the noon recess. I'm going to excuse the jury at this time and ask them to be back at 1:30 and observe the usual instructions about not discussing the case. Don't allow anyone to talk with you about it. All right.

(Thereupon, the jury of 12 and 4 alternates were excluded from the courtroom, and in their absence the following [fol. 7032] proceedings were had, to-wit:)

Mr. Hooker: We would like the witness to be instructed, if Your Honor please.

The Court: All right, Mr. Steinberg, do not discuss your testimony or allow anyone to talk with you about your testimony.

The Witness: Sorry, sir.

The Court: I say, do not discuss your testimony or allow anyone to talk with you about your testimony during the noon recess.

The Witness: Yes, sir.

The Court: You may also be excused until 1:30, sir.

The Witness: Yes, sir.

(Thereupon, the witness was temporarily excused.)

The Court: All right, gentlemen, are all the exhibits accounted for?

The Clerk: Yes, Your Honor.

The Court: Mr. Haggerty, I'm going to turn over to the reporter the records you requested this morning and ask the reporter to make the usual distribution of them.

Mr. Haggerty: Very well.

The Court: If nothing further, let's adjourn court until 1:30.

(Thereupon, at 12:05 p. m., February 24, 1964, court was adjourned until 1:30 for the noon recess.)

[fol. 7033] AFTERNOON SESSION

1:30 o'Clock, A. M.
February 24, 1964

(Thereupon, pursuant to adjournment for the noon recess, court was in session.)

(The jury of 12 and 4 alternates returned into open court and in their presence the following further proceedings were had and evidence introduced, to-wit:)

The Court: May we have the witness returned, please?

LAWRENCE M. STEINBERG, a witness called at the instance of the Defendant Hoffa, having been previously duly sworn, was recalled and testified further as follows:

Further direct examination.

By Mr. Haggerty:

Q. Mr. Steinberg, at recess you were just relating that you had some conversations with Mr. Partin wherein he discussed his affairs with you, do you recall that?

A. Yes, sir.

Q. What affairs did he discuss with you?

Mr. Hooker: We object to that.

The Court: Overruled.

A. He discussed very briefly problems that existed in his local union and some of the problems that he has with the [fol. 7034] government.

Q. Now, Mr. Steinberg, do you recall a period when Mr. Partin obtained a table from some source and set it outside of Mr. Hoffa's door to his suite?

A. Yes, sir.

Q. Do you know who authorized him so to do?

A. No, sir.

Q. And he acted as a guard for people coming in and going out, is that true?

A. Yes, sir.

Q. Was that limited to any particular period of the day?

A. I would be guessing, Mr. Haggerty, I think it was in the late afternoon.

Q. And have you knowledge of the people that were in with Mr. Hoffa at that time?

A. I believe, Mr. Haggerty, that Mr. Hoffa was closeted with his attorneys at that time, I don't know who was there because he stopped me from going in.

Q. In other words, he had taken over and was superior to you, was that right?

A. Yes, sir.

Q. Now, Mr. Steinberg, it has been testified by Partin, page 3284 of the transcript, in reply to a question addressed to him by Mr. Hooker, "Question: Was Mr. Steinberg [fol. 7035] present when you were talking to Mr. Hoffa or what did take place about that time?"

The record refers to the period Exhibit 100, which was between the 4th of November and the 7th of November, 1962.

And Mr. Partin made this answer, "Steinberg, as I recall, was standing inside of Mr. Hoffa's room with him and I went to the door and told Mr. Hoffa I was fixing to leave and was talking to him in general. He asked me to come in and motioned to Mr. Steinberg to step out."

Do you recall any incident where such as a thing as that occurred?

A. Certainly do not.

Q. And that is your best recollection?

A. Yes, sir.

Mr. Haggerty: You may examine the witness.

[fol. 7036] The Court: Is there any further examination by any defendants? All right, Mr. Hooker, you may cross examine.

Cross examination.

By Mr. Hooker:

Q. Mr. Steinberg, do I understand you to say that you recall definitely that that did not happen? Or that you just don't remember it?

A. I don't recall the incident that Mr. Haggerty just referred to.

Q. You don't recall it?

A. No, sir.

Q. Now, you did see Mr. Partin at the hotel from the beginning of this trial, did you not?

A. When you say the beginning, you mean the very first day?

Q. I mean, beginning with October 22, 1962, do you remember seeing Mr. Partin that day?

A. I don't recall seeing him that day. I recall he was there in the early days of the trial.

Q. Do you recall that he was there most of the time of the trial, a good part of the time, I will phrase it that way.

A. Sir, he was there fairly often.

Q. Sir?

A. He was there fairly often.

[fol. 7037] Q. Would you say that practically every week during the trial that he was there some part of the time?

A. I would say so, yes.

Q. And was living at the Andrew Jackson Hotel? Did you know he had a room at the Andrew Jackson Hotel?

A. I believe he had a room at the Andrew Jackson, yes, sir.

Q. And you would see him frequently as I understand it early in the morning when he would come up from downstairs and bring a newspaper, one for you and one for Mr. Hoffa?

A. Yes, sir.

Q. And he came and went as he pleased in the suite pretty largely, did he not?

A. I would say he came as he pleased into my office. Whether he would go in in the suite freely, at the same time, I really don't know.

Q. Much of the time you would be down at your office?

A. Yes, sir.

Q. Which was another room, as I understand it, in the Andrew Jackson Hotel probably three or four doors from the suits?

A. It was the third door, I believe.

Q. Third door down; now, Mr. Hoffa's suite to refresh your recollection was what is known as entrance to it as 740, the Andrew Jackson Hotel, wasn't it?

[fol. 7038] A. I believe you're right, sir.

Q. And you went in that room there at 740 and into a sort of a passageway, and into a rather large living room-type quarters?

A. Right, sir.

Q. And then as you went through the living room and back to the right there was the room occupied by Mr. Hoffa as the bedroom?

A. Yes, sir.

Q. And then as you went in that same door off to the left was another bedroom that was occupied by Mr. Bufalino?

A. Yes, sir.

Q. And you have seen Mr. Partin in that big living room?

A. I may have seen him in the big living room.

Q. Do you know whether you have seen him or not in the room that I refer to as being the bedroom occupied by Mr. Hoffa?

A. No, sir, I don't recall that.

Q. You don't recall that?

A. No, sir.

Q. And you say that at least part of the time that he had a table that was right at the entrance just inside of the door to 740, was it not?

A. Yes, sir.

[fol. 7039] Q. And you would see him there sitting there in the afternoon particularly late afternoon I believe you said?

A. That's right, sir.

Q. At a time when Mr. Hoffa would be there at the hotel?

A. That's right, sir.

Q. And there was no secret about Mr. Partin being there and sitting there at the door, everybody I take it that was in and around there saw him?

A. That's right, sir.

[fol. 7040] Q. Now, did you have conversations with him?

A. I had some conversations with him, yes, sir.

Q. Did you ever see him have any conversations with Mr. Earl King, I mean Ewing King?

A. If he did I don't recall him talking to Ewing King.

Q. Did you see Mr. King in and around the suite where Mr. Partin was there?

A. I don't recall that incident.

Q. Did you ever know of any conversations with Mr. Ewing King?

A. Yes, I have.

Q. Frequently?

A. Frequently.

Q. Did you ever discuss with him the proposition that one of the ladies on the jury's husband was a member of the Tennessee Highway Patrol?

A. No, sir, I did not.

Q. Mr. King didn't talk to you about that?

A. No, he didn't.

Q. Were you there on or about November the 27th?

A. What day would that be on, sir?

Q. November the 17th, that would have been November the 17th, was on a Saturday.

A. I really don't recall if I was there on November the [fol. 7041] 17th.

Q. Well, to refresh your recollection I hand you here a document. I will ask the Clerk to mark that first.

Mr. Dale: 211, your Honor.

(The document referred to above was marked Government's Exhibit No. 211 for identification only.)

By Mr. Hooker:

Q. I ask you if this is a copy of your hotel bill?

A. I would say yes, sir.

Q. It would appear from that that you were there on the 16th, the day before the 17th, the 17th and Sunday, the 18th, would it not?

A. Well, Mr. Hooker, may I make an explanation before I give you this answer, that upon my arrival on the 21st day of October I never checked out until after the trial, so this bill wouldn't necessarily prove that I was in town on November the 17th.

Q. What is your recollection about it?

A. I don't recall if I was there because I tried to usually go home on weekends. Now, some weekends I didn't.

Q. So you don't—I don't notice any charges on there that day is what I was really looking to see here. You don't recall whether you were here that day or not?

A. Sir, I really don't.

Q. All right. Did Mister—I was about to put this up. [fol. 7042] Let me give it back—did Mr. King ever discuss with you a trip to Woodbury?

A. No, sir.

Mr. Hooker: Just give it to the Clerk.

By Mr. Hooker:

Q. He never mentioned it to you?

A. Never mentioned it to me. I don't even know where Woodbury is.

Q. Ever mention anything to you about a beagle hound dying?

A. I beg your pardon?

Q. Ever mention anything to you about a beagle hound dying?

A. No, sir.

Q. Didn't discuss that with you?

A. I don't believe he has, no, sir.

Q. Now, did you meet Mr. Tweel when he came to Nashville?

A. I did not.

[fol. 7043] Q. You didn't see him to your knowledge?

A. I believe I saw him once but I never met the gentleman.

Q. Where did you see him?

A. I believe I saw him once in the lobby of the Andrew Jackson Hotel and I'm not sure of that but I never met the gentleman.

Q. Do you recall who was with him?

A. No, sir, I do not.

Q. Did you see Mr. Dorfman in Nashville?

A. Yes, sir.

Q. How frequently during the trial did you see Mr. Dorfman down here?

A. I saw him frequently.

Q. Frequently?

A. Yes, sir.

Q. Was he here on the first day of the trial, that is November 22nd? I mean, October 22nd, 1962?

A. Sir, I don't recall that.

Q. You don't recall, but you did see him frequently during the trial?

A. Yes, sir.

Q. On one occasion did you—, did you go to O'Brien's Beefery with Mr. Hoffa and others on the evening of November 27th for dinner?

[fol. 7044] A. Was your question on what occasion?

Q. Yes, well, on the occasion of the 27th, but I will ask you in this connection, did you go with him on any occasion when you stopped on the way back at the Union Station and had some discussion there about the height of the station?

A. No, sir, I was not present.

Q. You were not with them that time?

A. No, sir.

Q. You had, I guess, on other occasions been to O'Brien's Beefery with Mr. Hoffa and the other members of his party to meals?

A. Yes, sir, I have, sir.

Q. Well, Mr. Steinberg, you said that you didn't recall the incident that you were asked about, about stepping out of the room when Mr. Partin was leaving, there was a good portion of the time all the time here, at the Andrew Jackson Hotel when you were down in the office of the International Teamsters Union transacting your business?

A. Yes, sir.

Mr. Haggerty: We object to that as having been asked and answered.

The Court: Overruled.

By Mr. Hooker:

Q. And what conversations went on or what was said or done there in the suite when you were away and in your [fol. 7045] office, of course, you have no knowledge of that?

A. That's right, sir.

Q. And was Mr. Partin when he was sitting there at the table at the door in the plain view of everybody that came in and out of the suite?

A. I'm sorry, I didn't hear you.

Q. I say, Mr. Partin, when he was sitting there at the table at the door was he in plain view of everybody that came in and out of the suite?

A. Yes, sir.

Q. Were you at the Erlanger Airport at Cincinnati with Mr. Hoffa on Sunday, October 21, 1962?

A. Yes, sir, I was, sir.

Q. Did he make a call there at the telephone—a telephone call from the Erlanger Airport?

A. I don't recall Mr. Hoffa making any telephone calls. I arrived from Toledo that morning. And Mr. Hoffa arrived from Detroit. Upon my arrival, Mr. Hoffa was already at the airport.

Q. Already there and what calls he made, of course, you don't have any knowledge of them if he made any?

A. No, sir.

Q. Do you know what credit card he was using at that time?

A. I wouldn't know.

[fol. 7046] Q. Would it be a credit card—, do you know what the credit card that he normally used with the union is, what the prefix to it is?

A. I know the prefix of the International telephone credit card.

Q. Is it B4?

A. I wouldn't know that, I can only give you the first six digets.

Q. Well, is it a card that he used of a suffix of B4?

A. I wouldn't know that, sir.

Q. You don't know. Do you remember the number of the union's credit card at that time?

A. Well, I assume that everybody's credit card starts with 783-0525 then the balance of each card has a different letter and a different number.

Q. Have a single letter and a single number?

A. Yes, sir.

Q. And B4 could be one, you just don't remember about that?

A. I don't believe I ever knew what his letter and number was.

Q. That would be the type of thing, B4 or C4 or something?

A. Yes.

[fol. 7047] Q. Some letter, then a number?

A. Yes, sir.

Q. Did Mr. Hoffa ever make any remarks to you about Mr. Partin sitting there at the door at the table?

A. No, sir.

Q. How much of the time would you say during the course of this trial that Mr. Partin was there at the door to the suite in a chair with a table and late in the afternoon in particular?

A. As far as I can recall, Mr. Hooker, that was only on one occasion that he actually sat in the position you just described.

Q. But did he stand there at the door on other occasions?

A. I don't recall any of the occasions.

Mr. Hooker: You don't? All right, that's all.

Redirect examination.

By Mr. Haggerty:

Q. Mr. Steinberg, do you know of any reason for a guard being placed outside of the door leading into Mr. Hoffa's suite?

A. No, sir.

Mr. Haggerty: No further questions.

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[fol. 7071] PETER EDWARD DUFFY, a witness called at the instance of the Defendant Hoffa, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Haggerty:

Q. Your name in full, please?
A. Peter Edward Duffy.
Q. Where do you reside, Mr. Duffy?
A. New Orleans, Louisiana.
Q. What is your occupation?
A. I am an attorney.
Q. Attorney at law?
A. That is correct.
Q. How long have you been an attorney at law?
A. Since June of 1958.

[fol. 7072] Q. Were you in the year 1962 an Assistant United States Attorney at New Orleans?
A. I was.
Q. Who was your superior?
A. At that time?
Q. Yes.
A. Mr. Lecoir (phonetically) just took office, prior to that it was Mr. Heperd Mainey (phonetically).
Q. Are you still an Assistant United States District Attorney at New Orleans?
A. No, I am not.
Q. When did you cease to be?
A. October of 1963, the 11th to be exact.
Q. Now, specifically in the months of September and October of 1962, who was your immediate superior?
A. Mr. Louis C. Lacour.
Q. In month of September or October of 1962, did you become acquainted with a Mr. Grimsley?
A. Actually I became acquainted with Mr. Grimsley in June of '62.
Q. Is that A. Frank Grimsley?

A. That is correct.

Q. So you knew him in September and October of '62?

A. That is correct, sir.

Q. Now, did you know the States Attorney of the Nine-
[fol. 7073] teenth Judicial District at Baton Rouge, a Mr. Pitcher?

A. I did.

Q. And when did you first become acquainted with him?

A. Well, I have known of Mr. Pitcher from the time I was an Assistant United States Attorney. I first met Mr. Pitcher, I think it was in the latter part of September of '62.

Q. Did you know an assistant of Mr. Pitcher by the name of Daniels?

A. Yes, I knew Mr. Daniels.

Q. When did you first become acquainted with him?

A. Approximately the same time.

Q. Now, did you, in the month, the latter part of the month of September, 1962, in accordance with your official duties, meet Mr. Partin at Baton Rouge, Louisiana?

A. I did.

[fol. 7074] Q. Can you fix the time in September when you first met him?

A. It was the latter part, I guess around the 30th or the first part of October, actually around that time.

Q. And where were you, where did you meet him?

A. It was in Baton Rouge.

Q. In Baton Rouge?

A. Yes, sir.

Q. In what building was it in?

A. It was in the Nineteenth Judicial District Courthouse.

Q. In the courtroom?

A. No. It was actually in Mr. Pitcher's office. His office is located there.

Q. In the courthouse?

A. That is correct.

Q. Now, what time of night or day was this meeting?

A. Well, as far as I can recall it was in the morning, early in the morning around two.

Q. Do you mean shortly after midnight?

A. It was around two or three o'clock, as I recall.

Q. Now, you were present, Mr. Partin was present, who in addition were present?

A. Mr. Grimsley and for a while Mr. Pitcher.

Q. Was Mr. Daniels present?

[fol. 7075] A. He also was present, yes.

Q. And this meeting started to your recollection around two o'clock in the morning?

A. Around that time. Two or three o'clock.

Q. And how long did it continue? How many hours?

A. As I recall approximately two to three hours.

Q. Now during this discussion will you designate the person or persons who were doing the talking?

A. Well, actually, as I recall, Mr. Partin and Mr. Grimsley and I did most of the talking.

Q. Was there any recording or transcription of any conversation that was had at that time?

A. As I recall there was.

Q. There was?

A. Yes.

Q. And your recollection to the effect was it a recording or was there a court reporter or stenographer present?

A. There was no stenographer present. I assume it was a recording of some type or form.

Q. Do you know who was doing the recording?

A. I believe it was Mr. Pitcher actually who had the custody of the machine.

Q. Now at that meeting was the name James R. Hoffa discussed?

[fol. 7076] A. At that particular meeting?

Q. Yes, sir.

A. As I recall I believe it was; Mr. Hoffa's name was discussed.

Q. You are not acquainted with this case but I will ask you were the names of Allen Dorfman discussed?

A. As I recall, no, sir.

Q. Ewing King?

A. As I recall, no, sir.

Q. Nicholas Tweel?

A. As I recall, no, sir.

Q. Larry Campbell?

A. No, sir.

Q. Thomas Ewing Parks?

A. No, sir. The names do not strike me as being discussed at that time.

Q. I am not asking you what was said now, in reference to Mr. Hoffa, but I am asking you if this conversation started at two or after and lasted about three hours, what portion of the conversation was taken wherein the name of Mr. Hoffa was discussed?

A. What portion of it?

Q. Yes.

A. It is very hard to say, Mr. Haggerty. I don't really recall exactly how it was divided as far as time was [fol. 7077] concerned.

Q. Would you say it was half?

A. I would. It would be very hard to say that it was half. I didn't actually—

Q. (Interposing) Your best recollection, I know you didn't have a stopwatch, Mr. Duffy, but your best recollection, would it be a third or a quarter of the time?

Mr. Neal: Your Honor, in the interest of time, we have gone over this time with Mr. Grimsley, with Mr. Daniels, are we going over these meetings again?

The Court: Overruled in the interest of time.

Mr. Haggerty: Well, we learned something we didn't know before from this one witness.

By Mr. Haggerty:

Q. Would you say it was a quarter of the time or a third of the time?

A. It is as I said before, Mr. Haggerty, I wouldn't be able to say how much of the time we devoted to just discussing the individual Mr. Hoffa.

Q. Now, as a matter of fact, I requested you Saturday an opportunity to talk and interview you, did I not?

A. That is correct.

Q. And you thought better of it?

A. That is correct.

Q. And at least you refused to allow me to interview [fol. 7078] you?

A. That is correct.

Q. Were you told by any government to do that?

A. No, sir.

Q. Did you discuss it with any government agents?

A. My talking with you?

Q. Yes, whether or not you should talk to me?

A. I discussed it briefly with Mr. Lacour.

Q. And I understand at the present time you are no longer with the District Attorney's office?

A. No, I'm not.

Q. Now, did you get a copy of the recording that was made of that conference?

A. I did not.

Q. Did you get a transcript of that recording?

A. I did not.

Q. Now, what kind of a machine in your recollection recorded this conversation?

A. I actually never did see the machine itself.

Q. But you say that because of the turning on and off of levers. Is that it?

A. More or less that is the reason I knew there was a recording specifically.

Q. And you were familiar with the devices of that kind, were you not?

[fol. 7079] A. Yes, I am familiar with tape recorders or recorders.

Q. Now, following this conversation which you put on the 30th of September or possibly the first of October, 1962, did you return to New Orleans?

A. We did.

Q. Did you report to your superior?

A. I don't really recall whether I reported to him at that time or just reported the fact that I had been up to Baton Rouge to see Mr. Partin.

Q. Have you any knowledge of the whereabouts of the recording that was made of the conversation on either October 30th or September 1st, 1962?

A. I do not.

Q. Now, did you have a second or were you present when there was a second meeting in which Mr. Partin was present?

A. I was.

Q. And where was that meeting held?

A. In Baton Rouge.

Q. And where was it held?

A. In Sergeant Pitcher's office.

[fol. 7080] Q. And in relation to time, when was it as compared to October or September 30th or October 1st?

A. I would say approximately four or five days thereafter or a week thereafter.

Q. And who was present at this conference?

A. As I recall, I believe the same individuals that were present before at the conference.

Q. You don't recall any of them being absent or anybody being added, is that right?

A. The only one that I am not sure wasn't there would have been Sergeant Pitcher.

Q. I see. Now, what time in the night or day did this conversation commence?

A. As I recall, it was approximately the same time in the early—, early morning hours, I'd say around three or so.

Q. And how long did that conference last?

A. I would say about an hour or so.

Q. And was that recorded, that conversation?

A. As I recall at that time I really don't know.

Q. You don't?

A. No, Mr. Haggerty.

Q. Now, following that conference was there a third conference wherein you were present and Mr. Partin was there?

A. No, sir.

Q. At the second conference was Mr. Hoffa's name men-

[fol. 7081] tioned?

A. At that time I don't really recall whether we did at any time discuss Mr. Hoffa at that time.

Q. As a matter of fact, you were discussing, were you not, you were discussing getting Mr. Partin out of jail, wasn't that the discussion?

A. The first or second time?

Q. The second time.

A. No, sir.

Q. The first time.

A. As far as I recall I don't ever recall ever discussing that with Mr. Partin at all.

Q. Did you hear it discussed in either of these conferences?

A. As I recall, I believe there was some, some discussion, not so much of his getting out of jail as the making of bail.

Q. The making of bail to get out of jail.

A. As I recall.

Q. Isn't that right?

A. Right.

Q. Yes.

A. But I don't remember—, I don't recall exactly what was discussed at the time.

Q. Do you recall what individual discussed it with Mr. [fol. 7082] Partin; was it Mr. Pitcher?

A. I believe it was Mr. Pitcher.

Q. Did Mr. Grimsley enter into the discussion in reference to the bail?

A. No, he did not, I don't believe.

Q. Now, was there a third meeting?

A. To my—

Q. (Interposing) Wherein there was a conversation with Mr. Partin?

A. Not that I know of.

Q. Did you have any conferences with Mr. Partin in New Orleans in your office or in the office of the District Attorney?

A. No, sir.

Q. Did you have conferences with Mr. Grimsely subsequent to these two meetings with Mr. Partin, Mr. Grimsley, Mr. Pitcher and Mr. Daniels?

A. No.

Q. Did you have knowledge that on the 8th day of October, 1962, from a motel, Holiday Inn—

Mr. Neal: (Interposing) Your Honor, this is not proper examination of one's own witness. What is this, some sort of discovery proceeding?

The Court: Sustain the objection to that.

By Mr. Haggerty:

[fol. 7083] Q. Do you know anything about on October the 8th Mr. Partin and Mr. Daniels were in a motel and tapped a telephone call?

A. No, I don't.

Q. Do you have any knowledge of that?

A. Not at all, sir.

Q. Did you have any knowledge of the 18th of October?

Mr. Neal: Your Honor, this is just violating the objection that you just sustained.

Mr. Haggerty: I don't think so.

By Mr. Haggerty:

Q. Witness, did you receive any information before or after the 18th of October, 1962, that Mr. Partin had made telephone call which was recorded to Mr. Hoffa?

A. As I recall, no, Mr. Haggerty, I don't remember receiving information.

Q. Did you ever receive a copy, did you ever receive a copy of a telephone recording or recordings of the 8th or the 18th?

A. I did not.

Mr. Neal: Just a moment, how at this point can this be relevant to the issues in this lawsuit?

The Court: Proceed.

Mr. Haggerty: I think we have a full right of inquiry.

[fol. 7084] The Court: Proceed.

By Mr. Haggerty:

Q. Did you ever hear played or read a transcript of telephone recordings on the 8th or the 18th that were made by Partin in the presence of Daniels?

A. No, sir.

Q. Have you a recollection now, was it in the first or second conference where bail was discussed about Mr. Partin?

A. As I recall I believe it was the first.

Q. Yes. Do you know how long after that discussion on September 30th or October 1st that bail was allowed for Mr. Partin?

A. I really don't know, Mr. Haggerty.

Q. Did you make any memoranda or notes after these two meetings?

A. No, sir.

Q. Did you make any written correspondence or any written messages to your superior, Mr. Lacour?

A. No, sir.

Q. Did you have any conference with Mr. Pitcher or anyone else at Baton Rouge, New Orleans, or elsewhere, that if the kidnapped children would be returned it would no longer make it an aggravated kidnapping charge, a federal offense, and that Partin was eligible for bond under a [fol. 7085] charge in the state court?

Mr. Neal: Your Honor, how can this sort of examination be tolerated?

The Court: Sustained.

Mr. Neal: That charge is without any foundation.

The Court: Disregard—

Mr. Neal: (Interposing) Gone over that thing.

The Court: Disregard the question. Sustain the objection.

[fol. 7086] Mr. Haggerty: May I have this marked for identification, please, sir, with an exhibit number?

The Clerk: It will be No. 212, your Honor.

(The certified copy referred to above was marked for identification as Exhibit No. 212.)

Mr. Haggerty: Now, will you take it to the witness?

By Mr. Haggerty:

Q. I hand you which is a marked—do you care to get your glasses?

A. All right, I don't have to really use them unless I read a long time.

Q. All right. I hand you for identification which is marked—what exhibit number?

The Clerk: No. 212.

By Mr. Haggerty:

Q. Marked for identification as Exhibit No. 212, will you thumb through that and see if you are familiar with the contents of which these are copies? Have you examined them?

A. Yes, I have.

Mr. Hooker: We would like to see it now, if your Honor please.

By Mr. Haggerty:

Q. Are you familiar with any of them?

[fol. 7087] A. I am familiar with the first document. Namely, certified copy of the indictment.

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[fol. 7095] Cross examination.

By Mr. Silets:

Q. Mr. Duffy, in your examination by Mr. Haggerty you had mentioned that there had been a discussion about a problem of making of bail to get Mr. Partin out of jail and that was discussed in your presence. Can you tell us more about that discussion, please?

A. The only thing that I recall of the incident being was the discussion between Mr. Partin I believe and Mr. Pitcher.

Q. And that related to his being incarcerated on the kidnapping?

A. That is correct.

Q. And do you know how long he had been so incarcerated at the time this discussion took place?

A. No, I don't.

Q. It was approximately five days that he was in jail on the kidnapping charge at that time, isn't that about [fol. 7096] right?

A. I really do not know the exact time.

Q. Are you familiar with the unlawful flight to avoid prosecution, the statute of the United States Code?

A. I am familiar with it by reference as you have just indicated.

Q. Isn't it true that Mr. Partin was also charged with unlawful flight to avoid prosecution?

Mr. Reddy: We object to that, may it please the Court, as to what he was charged with.

[fol. 7097] The Court: Sustain the objection.

By Mr. Silets:

Q. At this time was it considered in terms of the bail problem of getting Mr. Partin out of jail, was it also not considered in terms of getting him out of jail on the federal charge of unlawful flight to avoid prosecution?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

By Mr. Silets:

Q. Now, you say you saw Mr. Partin twice, the two meetings that you related?

A. Correct.

Q. Did you ever see him after the second meeting?

A. No, I did not.

Q. Did you ever speak to him again?

A. No, I did not.

Q. Now, you indicated that there had been a recording of the first interview. Did the subject matter of that re-

cording, was that ever discussed between yourself and your superiors?

A. I don't believe it was.

Q. Have you ever discussed it with anyone?

A. As far as I recall.

Q. Sir?

A. As far as I recall, no.

[fol. 7098] Q. Now, did you ever receive—you said that you were familiar with the—what is that last document, Mr. Dale?

Mr. Dale: 212.

By Mr. Silets:

Q. 212, which is marked for identification. You said that you were familiar with the first document, that is, the indictment returned against Mr. Partin, is that correct?

Mr. Hooker: We are objecting to this.

The Court: Overruled.

By Mr. Silets:

Q. Sir, are you familiar with the indictment returned against Mr. Partin?

A. Yes, I am.

Q. And did you personally participate in some manner in the case?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

By Mr. Silets:

Q. Have you or anyone in the office of the United States Attorney for whom you were employed ever received any instructions from Mr. Grimsley or from Washington, D. C., concerning the manner or method of conducting the case entitled United States versus Partin, Criminal Docket No. 1452 in the Eastern District of Louisiana?

[fol. 7099] A. In what—in what manner or mode?

Q. Well, in any manner or mode?

A. As I recall, Mr. Grimsley and I worked up the grand jury presentation together.

Q. Well, following the presentation and the return of the indictment was there any instructions ever received by your office concerning that case?

A. The only instructions that I had, of course, there was some preliminary motions filed at the time and we were supposed to prepare our positions to them and I wasn't able to because of the trial docket I had and Mr. Grimsley asked me if I couldn't—to try to see about having the preliminary motions continued.

Q. So at the request of Mr. Grimsley, the matter entitled United States versus Partin was continued?

A. At my request it was continued.

Q. Pursuant to the discussions you had with Mr. Grimsley?

A. That is correct.

Q. Now, is it your custom and practice to meet in conferences at two and three o'clock in the morning?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

By Mr. Silets:

Q. Now, during these conferences that you had—by the [fol. 7100] way, do you recall when the indictment was returned, which is in your hands, the date of the return of the indictment?

A. Not the exact date.

Q. Well, could you give us the approximate date?

A. I believe it was some time in June.

Q. Of 1962?

A. That is correct.

Q. Now, you indicated that you then had a conference or you were present during a conference when Mr. Partin had discussions with you and Mr. Grimsley and that was in the latter part of September or the first part of October, is that correct?

A. That is correct.

Q. Now, to your knowledge was Mr. Partin represented in this indictment by Mr. O. C. Brown?

A. Yes, he was.

Q. Was Mr. Brown present when—

Mr. Hooker: (Interposing) We object.

Q. When you consulted with Mr. Partin?

Mr. Hooker: All of this, if your Honor please, is immaterial.

The Court: Sustain the objection.

Mr. Silets: Your Honor, this is certainly material and it certainly is relevant. This is a conference had after the [fol. 7102] return of the indictment.

The Court: I will allow him to answer if Mr. Brown was present.

By Mr. Silets:

Q. Was Mr. Brown present?

A. At the time we met, no, sir.

Q. Did you advise Mr. Brown that you were going to consult with his client?

Mr. Hooker: Object to that.

The Court: Sustained.

Mr. Silets: Your Honor, again this is material and relevant to establish the course of conduct by the government people with respect to their relationship with Mr. Partin.

The Court: I believe that should be sustained.

* * * * * * *

[fol. 7105] By Mr. Silets:

Q. Now, to your knowledge was Mr. Partin put out on bail on the kidnapping charge?

Mr. Hooker: We object to that.

The Court: Well, he can answer if he knows.

By Mr. Silets:

Q. Sir?

A. I didn't have personal knowledge. I had heard he was out on bond.

Q. Do you know the amount of the bond?

A. No, I don't.

Q. On the charge, the federal charge which you are familiar with and the indictment which you have now reviewed, he was placed on bond, was he not?

A. Yes, he was.

Q. And was there some problem about continuing the bond on the federal charge on or about the time you had the conversations with him in the beginning of October?

Mr. Hooker: We object to that, if your Honor please. Interminable inquiry into this matter that is bound to be collateral and has nothing to do with this case.

[fol. 7106] The Court: Overrule the objection.

The Witness: Would you repeat the question?

By Mr. Silets:

Q. Would the reporter read the question back?

(Thereupon, the court reporter read back the question as follows:)

"Question: And was there some problem about continuing the bond on the federal charge on or about the time you had the conversations with him in the beginning of October?"

The Witness: I believe he had to change those who acted as his surety before but that is the only knowledge I have of it that there was such a change.

By Mr. Silets:

Q. And that was some short time after you had this meeting at the end of September or the beginning of October?

A. I believe so.

Q. And that was also some time prior to the time that a phone conversation was had on October 8 by Mr. Partin?

A. I am not familiar with any telephone conversation Mr. Partin might have made.

Q. Now, subsequent to your interview of Mr. Partin at the beginning of October, had you ever had occasion to discuss the matters he related at that interview with any members of the Department of Justice?

[fol. 7107] Q. And what, if anything, did you do with the information that was passed by Mr. Partin on the occasion of these interviews?

Mr. Hooker: We object to that. It is immaterial.

The Court: Sustained.

Mr. Silets: Your Honor, I would like to inquire as to the subject matter of these interviews.

The Court: Well, let's move along, gentlemen. Sustain the objection.

By Mr. Silets:

Q. Did the subject matter of the interviews, two interviews you related, pertain to the matters at issue if you know what they are?

A. To my knowledge they didn't.

Mr. Silets: Now, your Honor, this is the problem we have had throughout this case. I would like to inquire further and it may be that the proper method of making this inquiry is without the presence of the jury. I would like to know exactly what was said and by whom on the occasion of these interviews.

The Court: Gentlemen, we've been over these matters. We've been into these matters before and it was completely immaterial to the issues in this lawsuit. I will consider that later this evening after we have proceeded.

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[fol. 7118] LEWIS C. LACOUR, a witness called at the instance of the Defendant Hoffa, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Haggerty:

Q. Your name in full, please?
A. Lewis C. Lacour.
Q. Where do you reside, Mr. Lacour?
A. New Orleans, Louisiana.
Q. And your profession is what?
A. United States Attorney for the Eastern District of Louisiana.
Q. And you are an attorney at law?
[fol. 7119] A. Yes, sir.
Q. Now, Mr. Lacour, were you United States District Attorney at New Orleans in the latter part of the year 1962?
A. I became United States Attorney on June 9th, 1962.
Q. And you were that district attorney in the months of September and October in 1962?
A. Yes.
Q. Do you know a man by the name of Mr. Grimsley?
A. Yes, sir, I know him.
Q. And Mr. Duffy was one of your assistant United States Attorneys?
A. Yes, sir.
Q. Do you know a man by the name of—, a man by the name of Partin?
A. No, sir, I do not know Mr. Partin, I know of him, I know of but I do not know him.
Q. Did you ever meet him?
A. No, sir.
Q. Do you know a man by the name of Mr. Daniels?
A. Yes, sir, I met him today.

Q. Met him today for the first time?
A. Correct, sir.
Q. Do you know Mr. Pitcher?
A. Yes, sir, I met him today for the first time.
Q. Now, did you receive any information from any [fol. 7120] source pertaining to Mr. Partin in the last part of September or early October of 1962?

Mr. Neal: Your Honor, we are going to object to that question.
The Court: Yes, I can't see the relevancy or materiality. Sustain the objection.

By Mr. Haggerty:

Q. Were you requested by anyone to send an assistant district attorney to Baton Rouge, Louisiana?

Mr. Hooker: We object to that.
Mr. Haggerty: That is certainly competent.
The Court: Overruled.

A. No, sir, a direct request was never made of me. To the best of my recollection my assistant, Peter Duffy, was contacted by someone in Baton Rouge for a meeting with Partin, it was made known to me but beyond that I couldn't say who contacted him exactly, I honestly just don't know.
Q. Did you ever discuss the matter with Mr. Grimsley?

Mr. Hooker: Object to that.
The Court: Sustained.
Mr. Haggerty: Your Honor, I think it's perfectly competent if Mr. Grimsley had information that he discussed with him in his official capacity. I didn't ask him what he discussed.
The Court: All right. You may ask him if he had a [fol. 7121] discussion with Mr. Grimsley.

A. Have I spoken to Mr.—

By Mr. Haggerty:

Q. About the Partin matter?

A. Yes, I have spoken to Mr. Grimsley about it.

Q. On how many occasions?

A. Sir, I don't know. I don't know.

Q. More than one?

A. Yes, more than one.

Q. Did you ever speak to Mr. Duffy about the Partin matter?

A. I take it you are referring to the Partin matter as the case that is pending in my district?

Q. And the case that is pending in your district and the matter pending in state court at Baton Rouge?

A. I probably did. Mr. Duffy had that docket and I certainly tried to know something about the cases in my district. Yes, I would have to say yes, I have talked about the Partin case to Mr. Duffy.

Q. Now, did you have any correspondence with Mr. Duffy in reference to the case?

A. Correspondence?

Q. Yes, correspondence, inter-office memos? Or notations or advice given to you in writing?

A. No, sir.

Q. Or on a recording?

[fol. 7122] A. No, sir.

Q. Did you have any correspondence with Mr. Grimsley about the Partin case that was pending in your district?

A. No, sir, I did not. I—to my knowledge I did not. I personally did not, no, sir.

Q. Did your office have to your knowledge?

Mr. Hooker: We object to that if your Honor please.

The Court: Sustain the objection.

Mr. Haggerty: Your Honor, it is certainly competent if there was written correspondence in reference to the Partin matter from his viewpoint and his viewpoint, as United States District Attorney, it is certainly competent

for him to testify just as much as if he had in his office or if he had it personally if he knows.

The Court: I believe the objection to the question as asked should be sustained.

By Mr. Haggerty:

Q. Now, Mr. Lacour, did you ever receive any recordings of a conversation between Mr. Partin and Mr. Hoffa?

A. No, sir.

Q. Did you ever hear played any recordings?

A. No, sir.

Q. Did you ever read a transcript pertaining to those [fol. 7123] recordings?

A. No, sir.

Mr. Neal: Your Honor, how can that possibly be relevant? What if he said he did, what would that lead to?

The Court: I can't see the materiality of it myself, but proceed.

By Mr. Haggerty:

Q. Have you the overall supervision and control of the 26-count indictment? Pending against Mr. Partin in the District Court at New Orleans?

A. What do you mean by the overall control, Mr. Haggerty?

Q. Well, you are the United States District Attorney, are you not?

A. Yes, sir.

Q. And I don't suppose that you are handling it personally, are you?

A. No, sir.

Q. One of your assistants is handling it?

A. Yes, sir.

Q. But you have the overall supervision and control of it, have you not?

A. Yes, sir. Of all cases in my district, but I must qualify that that there are many cases in my district where we seek

the assistance of the United States Justice Department and [fol. 7124] this was one.

Q. This was one?

A. Yes, sir.

Q. And was Mr. Grimsley representing the Justice Department?

A. Yes, sir.

Q. And any other Assistant Attorney Generals?

A. This case comes under the general supervision of the Criminal Division of the Justice Department. Mr. Miller's division.

Q. Mr. Herbert Miller?

A. Yes, sir.

Q. Did you confer with Mr. Miller about this case?

A. No, sir.

Q. Did you confer with Mr. Urdahl about this case in Washington?

A. I don't know Mr. Urdahl.

The Court: All right.

Mr. Silets: Cross examination, your Honor.

Cross examination.

By Mr. Silets:

Q. Mr. Duffy has left the employ of the Department of Justice, isn't that right, sir?

A. Yes, sir.

Q. And since he is no longer employed in your office, [fol. 7125] which of your assistants is representing your office with respect to the case of United States versus Partin?

A. Lewis R. Lucas (spelling) L-u-c-a-s.

Q. Now exactly what is the relationship between your office and Mr. Grimsley with respect to the United States versus Partin?

Mr. Hooker: We object to that.

Mr. Silets: Your Honor, he has already testified that Grimsley represented the Department of Justice in that case.

The Court: Overruled. Proceed.

The Witness: What is the relationship?

By Mr. Silets:

Q. Yes, what is his participation?

A. This case after the indictment was brought, the defense or counsel for Mr. Partin filed a number of motions some of which involved very detailed and complicated legal matters and as is usually our policy in those cases we sought the assistance of the Justice Department and it is my understanding that the Justice Department assigned this particular case to Mr. Grimsley.

Q. Isn't it true that Mr. Grimsley helped present the case to the grand jury?

A. I believe he did. This was—

Q. (Interposing) In this case, so he was in this case from [fol. 7126] the outset?

A. Well, I don't know this because this presentation simply by my looking at the file was begun, this grand jury presentation was begun before I became United States Attorney. I can only guess that Mr. Grimsley was with it.

Q. Well, Mr. Duffy who preceded you here said that Mr. Grimsley had assisted in the presentation.

A. I am sure he is telling you the truth.

Q. I suppose then since he participated in the presentation to the grand jury and participated in the answering of the motions he would also participate in the trial of the case?

A. I don't know that, sir. Very often we will have the assistance of the United States Department of Justice; when it does come to trial we will often try it out of our own office.

Q. Now, would you say that the primary responsibility, though, is, it is in your name, you being the United States

Attorney for that district, that the primary responsibility in the sense of actual participation and work in the case is that of Mr. Grimsley answering motions and trying matters and so forth?

A. No, sir, I wouldn't say that.

Mr. Hooker: If your Honor please, we object to all this. [fol. 7127] The Court: Overrule the objection.

By Mr. Silets:

Q. Sir?

A. I said, no, I wouldn't say that. I said that—

Q. (Interposing) But he would have the major voice in the prosecution of the case?

A. As a representative of the Justice Department, yes.

Q. Now you indicated that you personally had no correspondence with Mr. Grimsley, who if anyone in your office did have such correspondence with him concerning United States versus Partin?

Mr. Hooker: We object to that. Immaterial.

The Court: Well, if he knows.

The Witness: I know of some correspondence by Mr. Duffy that went out with Mr. Duffy's signature.

By Mr. Silets:

Q. And that related to the proceeding itself?

A. Yes, sir.

Q. Now, has that case been tried and prosecuted by your office?

A. No, sir, it has not.

Q. It is still pending?

A. Still an open case pending in my district.

Q. And the indictment was returned in June 1962, that [fol. 7128] is about 20 months ago?

A. Yes, sir.

Mr. Silets: May I have a moment, your Honor, to look at my notes? I have nothing further, if your Honor please.

The Court: All right.

Mr. Branstetter: May I ask just one question from here, your Honor?

The Court: All right.

Cross examination.

By Mr. Branstetter:

Q. Mr. Lacour, that particular case has been continued indefinitely, has it not?

Mr. Hooker: We object to that.

The Court: Well, he can answer.

The Witness: No, sir, it is not continued indefinitely.

By Mr. Branstetter:

Q. I am asking does your record show that the case at the request of the government has "been continued indefinitely"?

A. I couldn't answer that. I am not sure, sir.

The Court: Anything further? Any cross examination?

[fol. 7129] Cross examination.

By Mr. Neal:

Q. Mr. Lacour, is that case the oldest criminal case in your office?

A. No, sir, it is not.

Q. There are others older?

A. Yes, sir.

Q. Never been tried?

A. Correct, sir.

Q. These continuances motions ever been at the insistence of Mr. Partin's counsel?

A. I beg your pardon, I didn't understand you.

Q. These continuance motions of these you talk about have they been at the insistence of Mr. Partin's counsel. Is that correct?

A. No, sir. Two of the continuances in the case were at the request of Mr. Partin's counsel. Four of them were at our request.

Q. Some of those requests in your case at the press of other business, Mr. Duffy having something else to do and couldn't get to it?

A. That's correct, sir. As a matter of fact, the last time we sought a continuance we had a visiting judge, Judge Bowen from Seattle, and which added another judge to our docket and Mr. Duffy at that time who had charge of [fol. 7130] this case, had set for trial between the dates of November 6th and December 10, 24 criminal cases set for before Judge Bowen in that period of time.

Q. For him to try himself?

A. That was his docket.

[fol. 7131] Q. And he is the man also responsible for the Partin case?

A. Yes, sir.

The Court: All right.

Mr. Schiffer: One question, Your Honor.

Cross examination.

By Mr. Schiffer:

Q. Mr. Lacour, throwing your memory back to 1962, when was the last time this case was continued at the inception or at the insistence of the government?

A. I believe it was in the early part of December, the exact date I don't know.

Q. 1962?

A. Yes, sir. That's correct.

Q. And the last session you had in open court, the government took the case off the active calendar, did it not?

A. No, sir. We don't have an active calendar. As long as each case is open indictment in our district it is prosecutable case.

Q. And in over a year, you have not restored this case to the calendar for trial?

A. The case is pending on motions, that is the status of the case at this time.

Q. And the last continuance was at the insistence of the government. Is that right?

[fol. 7132] A. Yes, sir.

Q. And at any rate you can tell us that in over a year the government has not moved for a trial in the case.

A. That's correct, sir.

Mr. Schiffer: Thank you.

The Court: Anything further? If not, you may be excused.

The Witness: Thank you.

Mr. Silets: May I ask one question, Your Honor? Just one question?

The Court: All right.

Recross examination.

By Mr. Silets:

Q. Was it on the motion of the government that the case be reassigned?

A. I don't understand that.

Q. Well, my question is, did the government move that the case be reassigned to Judge—, from Judge West to this other judge or new judge coming in?

A. If that is a fact I'm not aware of it.

Mr. Silets: All right, thank you, sir.

The Court: All right. You may be excused.

The Witness: Thank you.

Mr. Silets: That is all.

(Witness excused.)

[fol. 7133] Mr. Dale: Raise your right hand, please, sir. Do you solemnly swear that the evidence you will give in this case shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Pitcher: I do, sir.

Mr. Dale: Have a seat.

Sergeant Pitcher, a witness called at the instance of the Defendant Hoffa, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Haggerty:

Q. Your name in full, please?

A. Sergeant Pitcher (spelling) P-i-t-c-h-e-r.

Q. And your occupation?

A. I am the District Attorney of the Nineteenth Judicial District of Louisiana.

Q. And where do you reside?

A. Baton Rouge, sir.

Q. And you are an attorney at law, of course?

A. Yes, sir.

Q. Mr. Pitcher, you are here under subpoena?

A. I am.

Q. And a subpoena duces tecum?

A. Yes, sir.

Q. Did you bring a portion of those records with you?

[fol. 7134] A. I brought the records, Mr. Haggerty, that I thought the subpoena called for, yes, sir.

Q. Now, may we see those records?

Mr. Neal: Your Honor, this is not the place for that sort of—

The Court: (Interposing) This is not.

Mr. Haggerty: Now, here is a subpoena duces tecum. What other facility have we got if we can't bring them right in the court and then have an opportunity to examine them? What other remedies are open for us? There are none.

The Court: Well, sir, we are not engaged here in just a discovery procedure.

Ladies and gentlemen of the jury, step out a moment until the Court can pass on it.

(Thereupon, the jury of 12 and 4 alternates were excluded from the courtroom and in their absence the following proceedings were had, to-wit:)

Mr. Haggerty: Now, this is a very serious problem to us. When we subpoena in records we don't receive any cooperation. I am not saying just from Mr. Pitcher, but they have their own chores, they have their own work, they don't want to be bothered with this, but we have a right to issue and take the remedies that are forwarded to us.

Now, if your Honor doesn't want to take the time I'd [fol. 7135] make this suggestion that have Mr. Pitcher give them to us tonight and he could be there and we can examine them and that would end the matter, otherwise we are certainly entitled to our subpoena duces tecum, to have the records that we subpoena and we should have an opportunity to see them, but under this system here it is impossible for us to see them.

Now, I would suggest to the Court to save the Court's time and the witness being willing, or under the Court's order, that you give him an opportunity to let us see these records so we know where we are going. We will save a lot of time, possibly that we don't want of them, but the thing about it is we should have an opportunity to examine them.

The Witness: Your Honor, might I—

Mr. Haggerty: (Interposing) I might also say as to Mr. Lacour, his was a subpoena duces tecum, I would like him called back for the same purpose, I would like to see his records, too.

The Witness: Judge Wilson, could I be heard before you rule, sir?

The Court: All right.

The Witness: This is a subpoena duces tecum, as I understood it, called for any transcripts, electronically re-

corded conversations or anything else that mentioned the [fol. 7136] name of Mr. Hoffa.

I do not have in my possession, Mr. Haggerty, anything that has any relevancy whatsoever to this trial or the trial in Nashville, Tennessee, pertaining to Mr. Jimmy Hoffa.

I have a recording of the first meeting of the Witness Edward G. Partin with the government officials. That is the only thing that I have that could possibly have any relevancy. It was not—it does not deal with this trial or with the Nashville trial. That conversation had nothing to do with the Nashville trial or this trial.

Mr. Haggerty: Well, now, your Honor, I don't think that the witness should be allowed to fix relevancy.

The Court: Well, I expect the best way to handle this is to have him submit it to the Court for inspection in camera.

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[fol. 7145] Mr. Haggerty: Your Honor's ruling makes it impossible for us to proceed because we can't proceed without inspection or opportunity to inspect these exhibits.

The Court: All right. Is this all?

The Witness: That is what the government has already introduced I understand.

Mr. Branstetter: I can't hear him.

Mr. Silets: Can't hear a word.

[fol. 7146] The Witness: Sorry. I'm suffering from a little laryngitis. I say that the other two tapes had relevance or mentioned Mr. Hoffa, the telephone conversation, you requested I understand have already been received in evidence. Sealed envelope.

The Court: The Court will just have to consider this this evening. Then we will take it up tomorrow. You can remain available until tomorrow morning.

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[fol. 7179] February 25, 1964

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COLLOQUY BETWEEN COURT AND COUNSEL

The Court: All right, the Court has opened the sealed Exhibit No. 118 and has removed therefrom what purports to be a transcript of a telephone conversation alleged to have occurred upon October 8, 1962. That will be filed as the next exhibit in order and made available to the defendants. Exhibit number what?

The Clerk: No. 215, your Honor.

Mr. Berke: Is that for identification?

The Court: Filed for identification, yes.

(Transcript of telephone conversation referred to above was marked for identification as Exhibit No. 215.)

The Court: From the same sealed envelope No. 118 [fol. 7180] exhibit, the Court has removed what purports to be a transcript of a telephone conversation undated.

Mr. Haggerty: Did you say undated?

The Court: The paper is undated in any respect. The Court understands it purports to relate to the telephone conversation upon October 18. Let that exhibit be filed for identification as Exhibit No. 216.

The Clerk: Yes, sir.

(Transcript of telephone conversation October 18th referred to above was marked for identification as Exhibit No. 216.)

The Court: Now, then, gentlemen, the Court has listened to the tape introduced by the Witness Pitcher and the Court is unable to find anything in that tape that would be relevant, material, or admissible in this case. The tape has been sealed and will be filed as a sealed exhibit. The next exhibit. No. 217?

The Clerk: 217, that is a sealed exhibit, your Honor?

The Court: Yes, sir.

(Tape recording referred to above was filed as a sealed exhibit and marked for identification as Exhibit No. 217.)

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[fol. 7188] Mr. Silets: Your Honor, now if I may just make a statement for the record, the Court has now after—today is the 25th—after 19 days the Court has turned over the contents of Exhibit No. 118 and has marked them as [fol. 7189] being Exhibits 215 and 216. These are the recorded conversations purportedly taking place on October 8th, 1962, and October 18th, 1962, between the Defendant Hoffa and the Witness Partin.

If the Court will recall on February 6th, 1964, on the examination of the Witness Partin on cross examination by Mr. Berke, Mr. Berke began to inquire of Mr. Partin concerning the matters which occurred two or three weeks before his appearing in Nashville. At that time objections were raised by the government and Mr. Neal—

The Court: (Interposing) What page of the transcript?

Mr. Silets: 3509 and following. Now, Mr. Neal made a statement that he wasn't trying to exclude evidence from the Court, but when the Court overruled the government's objection, Mr. Neal, page 3510, said then, "Your Honor, I think the jury should be excused momentarily."

And then I believe the Court, if I have the correct pages, the Court ordered us to go into chambers—I am mistaken, and at page 3512, it was actually in the courtroom, excuse me, we had this and the public was excluded and from pages 3512 to 3535 Mr. Neal raised a new matter and suggested to the Court that new matter as a proper basis for excluding this line of relevant inquiry by Mr. Berke.

Now, your Honor, this is, of course, the first moment, [fol. 7190] some 19 or 20 days later, that the defense has had an opportunity to actually ascertain whether the inquiry at this time was relevant or not. The government, of course, knew from the outset what the basis for their objection was, in fact, when we examine Exhibit 215 we see that the matters there are completely relevant because they pertain to the Witness Partin's encouraging Mr. Hoffa to invite him to Nashville and from thence his appearance in Nashville to become and did become an informant for the government.

Now, I say to your Honor, this, and I so move, that the Court has no basis, other than at this moment to enter a judgment of a mistrial by withdrawing a juror because now after these almost three weeks when we could have had the opportunity to inquire into this relevant area and examine witnesses and produce witnesses into this relevant area we now discover that what the government had originally represented as pertaining to an entirely different matter is not, in fact, pertaining to an entirely different matter but relevant, competent, and material to the issues at hand.

Now, last evening I pointed out to the Court one of the errors that I think, with all due respect to this Court, has indulged itself in, and that was to permit the Witness Partin, and subsequent witnesses, to sit on that witness stand and make their own determination what was relevant and what was competent and what was material by saying, [fol. 7191] "No, that pertained to a matter entirely different to that which this lawsuit is about."

When the Witness Partin was on the stand and I myself was cross examining him, I inquired of him concerning the matters preceding his appearance in Nashville.

[fol. 7192] I asked him about these conversations. I tried to elicit information about these conversations and each time the Witness Partin said to me that related to some other matter. The Court sustained the government's objection and refused to permit me to make that inquiry. Had I seen this document, Exhibit No. 215, and had the Court made this public, this Witness Partin could not have at that time said to the Court this was not relevant to the matters at hand.

This Court in good conscience should have at that time pointed out to the defendants the contents of this matter and, as a matter of fact, the calumny and perfidy of this matter is pointed out by the actions of the government because if no one else knew the government knew that at the time their own witness was on the witness stand he, himself, was perjuring himself when he said the matters

I was seeking to inquire of did not pertain to the issues of this case.

As a matter of fact, they are the very onset of the issues of this case. It is at this moment that the witness seeks to have Hoffa invite him into Nashville. It is from that and flowing from that that all of his testimony arises. The government knew this and yet they were willing to sit still and even object to my constant insistence on this Court to examine this witness and object on the basis that the Witness Partin suggested that it was not relevant to the matters at hand.

[fol. 7193] In fact, had we known this and had the government in their good conscience turned this over to the Court and made public to the defense the matters contained in this Exhibit No. 215, we would have had the opportunity for, lo, these almost three weeks to present our defense in a fashion other than we have.

Now, your Honor, the cases are legion which hold that the defense need not put on a defense. I don't have to put my defendant, my client, on the witness stand. I don't have to produce one witness. As a matter of fact, I am entitled to elicit my defense and elicit information leading to the defense of my client through a cross examination alone.

The Court: Mr. Silets, is that the basis of your motion? Is that your motion?

Mr. Silets: I now move, your Honor, that the Court enter an order declaring a mistrial.

The Court: All right. I believe that motion should be overruled.

Mr. Branstetter: It would be for all defendants?

The Court: Yes, it may be for all defendants and overruled as to all defendants.

Mr. Silets: Your Honor, in light of that then I ask the Court to enter an order striking the entire testimony of the Witness Partin because this, if nothing else—

The Court: (Interposing) Mr. Silets, that is a matter [fol. 7194] that we can take up in the order the Court has suggested.

Mr. Silets: No, your Honor, this must be considered now. I want to make my record, your Honor, you pointed out to me yesterday—

The Court: (Interposing) Make your motion, sir, but we will not hear argument upon that. The Court has indicated what it thought was the appropriate and proper time to hear argument on any such motion.

Mr. Silets: I now want to make a motion to strike the entire testimony of the Witness Partin on the grounds that this matter constitutes a substantially verbatim transcript the same as any affidavit given by a witness to the government, which was in the possession of the government and this was turned over to the Court.

The Court: All right, allow that motion to be overruled.

Mr. Berke: If your Honor please, we want to be heard on that item.

The Court: Mr. Berke, the Court will hear you on the matter. But the Court will not interrupt the trial. I have indicated all the way through on this matter that I will give you at the conclusion of all the proof and before the case is submitted to the jury the opportunity to make any motions you wish.

[fol. 7195] Mr. Berke: If your Honor please, we don't want to waive any right. This is the first opportunity and we want to be heard. We want to be heard on behalf of Mr. Hoffa. We don't want to be cut off without arguing our motions.

The Court: You can make your motion, sir, but we are not going to interrupt the trial at this time to hear long argument on such motions.

Mr. Silets: Your Honor, I don't want to prolong my argument.

The Court: Just make your motion.

Mr. Silets: My motion is to strike the entire testimony of the Witness Partin on the grounds that the government

knowing full well that they had in their possession a statement which fit within the purview of the statute failed to turn that over to the defense even though it was material and relevant to the witness' testimony and I further suggest that this matter was within the knowledge of the Court and the Court didn't turn it over to us. And on that second basis I move that his testimony be stricken.

The Court: All right.

Mr. Schiffer: Your Honor, on behalf of—

Mr. Branstetter: (Interposing) Defendant Campbell joins in this motion.

The Court: I will allow all defendants to join in the motion.

[fol. 7196] Mr. Schiffer: If your Honor please, on behalf of the Defendant Parks, I want to state what Mr. Parks' position is here.

The Court: Well, if you have a motion, make it.

Mr. Schiffer: I have two motions I want to make it, but I want this record, your Honor, to reflect once and finally that this is going to be the last time this is going to be permitted to occur by this Court as to what the prosecution has been doing.

I want the record to reflect unequivocally, your Honor, what Mr. Parks' position is and what his counsel is and certainly how many other counsel here for defense feel offended.

And I want to make these motions.

The Court: All right, state your motion.

Mr. Schiffer: Your Honor, Page 3530 of this record in this case I stated to the Court, your Honor, if the Court please, insofar as the Defendant Parks is concerned we will waive on behalf of Mr. Parks and the Court can introduce and permit to be introduced all this evidence about the threats which Mr. Neal has spoken about which he is fearful that may come from the lips of the witness, this witness, insofar as the Defendant Parks is concerned—

The Court: (Interposing) Mr. Schiffer, state your motions, sir.

[fol. 7197] Mr. Schiffer: This is my motion.

The Court: What is your motion?

Mr. Schiffer: I expect your Honor to grant my motion.

The Court: All right, just state your motion first.

Mr. Schiffer: I want to state my motion, your Honor, I am moving for a mistrial and I want to state the grounds and I expect your Honor is going to grant my motion now. I want to advance the reasons for it.

The Court: All right. Proceed.

Mr. Schiffer: Now, then, and I continue, insofar as the Defendant Parks is concerned we feel we are in a position to waive and we do so waive with no prejudice to Mr. Parks. [fol. 7198] Now, then what has happened in this case due to the government, and I shouldn't really say government, I should say the prosecutors in this case and those who assisted them from Washington, when Mr. Partin was on the stand, Your Honor, the government had in its possession and knew what it had given to Your Honor as a sealed exhibit the October 8th and the October 18th statements.

They permitted Mr. Partin then to commit perjury. Now we see the extra proof. If Your Honor will remember within the last ten days with reference to that kind of testimony I stated to Your Honor, it's in the record and I think it's rather replete with reference that the government knew when Partin testified to material issues in this case they knew he was perjuring himself at that time, Your Honor, at least up to that point we had not been shown these transcripts which Your Honor now has turned over to us and we say it's turned over too late.

Parks has been deprived, number one, of the proper and adequate cross examination of the witness against him in accordance with his constitutional rights for cross examination because had we known what was in the October 8th and 18th transcripts, Your Honor, the entire cross examination, so far as Parks is concerned, would have been in a different pursuit because then, knowing what was in the sealed envelope, we could have cross examined him and

[fol. 7199] shown that it is quite evident now that his testimony was suborned, that he was testifying perjuriously to material issues and the prosecution knew it at the moment he testified.

What recourse is there to this except to say to the Court, as I said the last time in the United States against Berger case, I have spoken of it twice, which states what the rules of this kind of a game are, that we are not playing a game, we are in a court of justice, that when the prosecution does these things the Court is not supposed to commend them. This is a foreign kind of a thing they have introduced here. This is a Russian conception of justice, the Nazis. We have penned with our young blood every foreign war to preserve here what these men of the prosecution table here desecrate—

The Court: All right.

Mr. Schiffer: Now, I say—

The Court: (Interposing) Mr. Schiffer.

Mr. Schiffer: I say as part of my motion I expect Your Honor to grant my motion, very peculiarly I take that position, I say we are that correct.

The Court: Mr. Schiffer, surely this court is not without some authority to proceed with the trial of this case.

Mr. Schiffer: Your Honor—

The Court: (Interposing) Now, if you wish to argue the case we will argue the case, and, as I indicated yesterday, [fol. 7200] I will stay here this afternoon after the recess, I mean after the normal time for adjournment, to hear you argue as long as you wish to.

Mr. Schiffer: Except this one—

The Court: (Interposing) But we are not going to interrupt the trial of this to go on with these arguments at this time.

Mr. Schiffer: May—

The Court: (Interposing) This is not an argument that cannot be made at some other time. This argument can be made at any time and at—

Mr. Schiffer: (Interposing) May I respectfully—

The Court: (Interposing) No, sir, just state your motion, sir, and—

Mr. Schiffer: (Interposing) My motion is this, Your Honor, I say that this court cannot countenance what the prosecution has done and we have no trial here, Your Honor. Your Honor says well, you don't want to interrupt the trial. I agree with Your Honor, I want to do everything Your Honor wants to do except I want a fair trial for Mr. Parks.

Now, if the price—

The Court: (Interposing) Mr. Schiffer—

Mr. Schiffer: (Interposing) In defending my position—

[fol. 7201] The Court: (Interposing) Mr. Schiffer, the Court does not wish to hear further argument on this motion. I will hear any motion which you have here but we will reserve argument.

Mr. Schiffer: May I state it for the record?

The Court: State your motion.

Mr. Schiffer: I move for a mistrial, first on the ground that the Defendant Parks has been deprived of proper cross examination of Partin and the other witnesses for the prosecution due to the perjury of Partin with the consent and the help of the prosecutors. That is point one.

Point two, in support of the motion that Partin having been permitted by this court at the insistence of the government to himself judge the relevancy of any evidence he would give to that extent was permitted by the Court, inadvertently at least, to commit perjury with the assistance of the prosecution.

Thirdly in support of the motion, that because of the government's false representations to the defendants and their counsel and to this court have deprived Mr. Parks of every vestige of constitutional rights he has to a fair trial.

Fourthly, with reference then it becomes necessary to state that we don't know when the Court, for the first time, read these transcripts, that as of the time the Court did [fol. 7202] read the transcripts there was an obligation on the Court then at least to call everyone into chambers

and disclose that Mr. Partin was inconsistent in his testimony and this court would save the right of a defendant to a fair trial, that when the Court saw perjury it did have an obligation then to advise the defense counsel of precisely the points in which such perjury had been committed on the part of the government by the witness.

Fifthly, when Partin testified falsely and the government knew it and Your Honor now has irrefutable evidence before Your Honor, now that you have seen these transcripts with us, that they have violated the precepts of the United States against Berger. Now, there's no question about that, no one can argue contrary any more, and since the prosecution evidently now, since we are realists and we do not live in a vacuum, that when Partin testified the way he did and was permitted to qualify every answer, Your Honor, with the permission of the Court and at the insistence of the government, that that at the minimum entitles Mr. Parks to a complete vitiation of what at times here has been referred to as a trial.

Your Honor will remember I called it, and I call it again for this purpose, that the government insisted on a drumhead court martial. That is what we have now, right up to this point, and now that they are exposed they want [fol. 7203] Your Honor now to convert this further and feloniously, they now ask Your Honor to make it a star chamber proceeding and that is why I ask for the mistrial at this time.

The Court: All right. Allow that motion to be overruled.

Mr. Schiffer: Now, then I have a second motion, Your Honor.

The Court: State your motion and, Mr. Schiffer, the Court will not hear argument upon this motion at this time. Just state the motion.

Mr. Schiffer: Yes, sir. I was not arguing with Your Honor. I was stating grounds on the other motion.

The Court: Do you understand my instructions?

Mr. Schiffer: Those were the grounds of it.

The Court: Do you understand my instructions?

Mr. Schiffer: Yes, sir.

The Court: All right.

Mr. Schiffer: I say, Your Honor, whatever I put in the record up to this point was in support of my motion for a mistrial and I think the record now is clear.

I also move Your Honor to strike all of Partin's testimony for this reason, a legal reason, that when this court, the United States Court, becomes apprised during the course of a criminal trial, more so than any civil case but in a criminal case where people's liberties are at stake, that the [fol. 7204] Court has a constitutional obligation to a defendant, and in this case Mr. Parks, to stop the proceeding at that point.

The Court: All right, sir.

Mr. Schiffer: Where perjury is provable at that point. I say we have reached it, Your Honor, now it's provable in the record and I ask Your Honor then to strike all of the testimony of Mr. Partin and having stricken the testimony of Mr. Partin I will then make a further motion as it relates to the entire indictment of this case upon Your Honor's ruling and in certain conformity with the laws as we know it in the United States, not Russia.

[fol. 7205] The Court: All right. Allow the motions made on behalf of all defendants.

Mr. Haggerty: May it please the Court.

The Court: Just a moment, Mr. Haggerty. Let the Court rule upon motions as they are made, sir.

Mr. Haggerty: I beg your pardon, your Honor.

The Court: Allow the motions made by Mr. Silets and Mr. Schiffer to strike all of the testimony of Mr. Partin to be overruled and if the other defendants desire to join in that motion allow them to join in it and overruled as to all defendants.

Mr. Schiffer: We respectfully except to that particular ruling, your Honor.

The Court: All right.

Mr. Branstetter: I join in Mr. Silets' motion, may it please the Court.

The Court: Beg your pardon?

Mr. Branstetter: I join in Mr. Silets' motion earlier on behalf of Defendant Campbell.

The Court: Yes. Allow that motion to be overruled.

Mr. Silets: Your Honor, I want the record to also show that I, in turn, joined in Mr. Schiffer's motion.

The Court: Very well.

Mr. Berke: That's for all defendants.

[fol. 7206] The Court: Allow each to join in each motion and allow it to be overruled as to each defendant.

Yes, Mr. Haggerty.

Mr. Haggerty: May it please the Court, your Honor has permitted, after long urging, the release that has the effect on the defense and should have on this trial of the release of a hydrogen bomb. We have—

The Court: (Interposing) Mr. Haggerty, do you have a motion, sir?

Mr. Haggerty: I have a motion but I think I am entitled to be heard on this and I don't think time is as important as the rights of the defendant.

The Court: Now, Mr. Haggerty, the Court has indicated that it would give the defendants any time that they desired to argue these motions but that the appropriate time to take these motions up in the opinion of the Court was at the conclusion of the testimony.

If you will make your motion now, then reserve your argument, I will hear you at whatever length you wish to argue at that time but it is not appropriate that we should interrupt this trial for these prolonged arguments at this time and the Court has indicated that heretofore and I don't think that it is proper that you should attempt to avoid or to circumvent the clear instructions of the Court in that respect.

[fol. 7207] If you will state your motion I will hear your motion and we will reserve argument until an appropriate time.

Mr. Haggerty: I say to your Honor that this is the appropriate time and I speak only of the Defendant Hoffa, who shortly is to take the stand in his own defense and I

think that this matter should be clarified before he takes the stand. There is no other time, it is now or never. Hearing arguments after he has testified is futile and totally unnecessary. It would be of no value to the Court nor to the Defendant Hoffa.

Therefore, I ask your Honor's indulgence to make a brief argument. I am not known for long harangues.

The Court: Make your motion then and you will be allowed five minutes to make your argument.

Mr. Haggerty: I say to your Honor that what is disclosed in the transcription of these records of 8th and the 18th, the conclusive proof that in the first one that Partin did not come to inform the government of any illegal activities on the part of Hoffa, on the contrary, he was asked to do so—nor was he asked to do so by Hoffa but Partin came to learn information about the Nashville case and seek legally to justify his presence in Nashville. [fol. 7208] It shows that he came to Nashville and not that he was invited to come, which has been the tenor of Partin's testimony throughout.

I say to your Honor that under this disclosure that is revealed in these tapes or on these tapes I now ask the Court and I so move that the information that was disclosed at the secret session conducted by your Honor that that testimony and those arguments be presented in the presence of the jury in the hearing of all within the court.

I say that the government knew and must have known that Mr. Partin lied, I say that Partin knew he lied, and I say further and I dislike very much to say this, that the Court by his actions and conduct of deferring this matter in this disclosure until this time deprived the defendants of a basic constitutional right of cross examination by limitation and restriction and, therefore, the Court aided and abetted knowingly or unknowingly this fraud that was perpetrated by the government.

I say to your Honor at this time we move the Court for a mistrial. How can there be a fair trial in accordance with our system of jurisprudence at this time?

Second, I move to strike the entire testimony of the Witness Partin. I say to do other than that would not be in the tradition of American justice and of American law but rather that is borrowed from foreign countries who so [fol. 7209] recently displayed to the world and still display unfairness, injustice and inhumanity.

The Court: All right. Allow those motions to be overruled. All right, gentlemen, are we ready to proceed? If so, call your next witness. Have the jury return.

Mr. Silets: Your Honor, I don't believe the Court has ruled on Exhibit No. 213.

The Court: Exhibit No. 213?

Mr. Silets: The certified exhibit.

The Court: No, sir, I have not, Mr. Silets, I have just had so awfully much to read last night that I didn't get an opportunity to study that exhibit.

(Thereupon, the jury of 12 and 4 alternates were brought into the courtroom and thereupon, the following proceedings were had, to-wit:)

Mr. Berke: If your Honor please, the exhibit we talked about yesterday, the notes, that Mrs. Partin signed—

The Court: (Interposing) Yes, that was for identification only, to be admitted for identification purposes only.

Mr. Berke: If your Honor please, we would like then if that exhibit which Mr. Cash introduced, the signature of Mrs. Partin, if that, we would like for it to be received in evidence, because we, in the record I remember distinctly—

(Thereupon, the witness, Sargent Pitcher, was placed on [fol. 7210] the witness stand.)

The Court: Well, Mr. Berke, the Court has ruled upon the matter. You moved on yesterday. You moved on it again today. The Court ruled on it at least twice.

Mr. Berke: Did the Court examine the record?

The Court: The Court examined the record in that respect and it was admitted for identification only and is

now admitted for identification and not for any other purposes.

The Witness: I have been sworn.

The Clerk: Have you been sworn?

The Witness: Yes, sir.

SARGENT PITCHER, a witness called at the instance of the Defendant James R. Hoffa, having previously been duly sworn and having previously testified, returned to the witness stand and was examined further and testified further as follows:

Further direct examination.

By Mr. Haggerty:

Q. Mr. Pitcher, have you any recordings pertaining to Mr. Partin other than the one that you delivered to the Court yesterday evening?

A. Do I have them now?

Q. Yes, sir.

A. No, sir.

Q. Did you have others?

[fol. 7211] A. I had—I heard, I should say, Mr. Haggerty, one magnetic belt, IBM recording, that purported to be a telephone conversation between Mr. Partin and Mr. Hoffa.

Q. Was it one conversation or two conversations?

A. I only heard one, Mr. Haggerty. I had nothing to do with the making of it and I only heard it one time, I believe, some months ago.

Q. Did Mr. Daniels, your associate, I think, what is his official position?

A. He is my executive assistant.

Q. Executive assistant, did he ever bring to you any records that he had made with the conversation with Mr. Partin?

A. Just the one I told you about.

Q. That is the one on the telephone conversation?

A. I believe it was of October 8, Mr. Haggerty.

Q. Now, who was it originally told you that Mr. Partin wanted to talk to you in the month of September or October of the year 1962?

A. Mr. Daniels.

Q. Following Mr. Daniels telling you that, did you have a talk with Mr. Partin and Mr. Daniels in your office?

A. I did.

Q. Just the three of you?

A. I believe that's right, yes, sir.

Q. Now, whereupon, did you notify any agents of the [fol. 7212] government after this conversation that you personally had with Mr. Partin?

A. Yes, sir.

Q. Who did you notify?

A. Mr. Haggerty, I believe this is quite some time ago. I believe I called the FBI office in Baton Rouge. And by them I was referred to Mr. Peter Duffy in New Orleans in the U. S. Attorney's office.

Q. Did you accordingly call Mr. Duffy?

A. I did, sir.

Q. And following your call to Mr. Duffy was a meeting arranged?

A. There was.

Q. And where was the meeting arranged for?

A. In my office.

Q. And was the meeting held?

A. It was.

Q. Who was present?

A. Mr. Duffy. Mr. Grimsley. Mr. Daniels. Mr. Partin and myself. And let me answer a little further, I was only there a part of the time of this meeting. This meeting was held rather early in the morning.

Q. What time did it start in the morning?

A. I will say three o'clock to the best of my recollection. [fol. 7213] Q. What time did it end?

A. I have no way of knowing of my own knowledge. I understand that the meeting continued until about six.

Q. Was a recording made of that meeting?

A. Yes, sir, there was.

Q. And on or about what date was that meeting?

A. It was either the early morning of October 2nd or October 3rd, Mr. Haggerty, 1962.

Q. Now, was that the recording that was made on that date that you gave to the judge last night?

A. Yes, sir.

Q. Were copies made of that recording?

A. No, sir. No, sir.

Q. That is the only recording?

A. That is it.

Q. Subject to this early October 1st or 2nd, did you have a second meeting with Mr. Partin?

A. No, sir, I did not.

Q. Did you have any meetings after the meeting where the recording was taken where Mr. Partin was present?

A. I don't believe so, Mr. Haggerty.

Q. And then your testimony is that you just had the one meeting with Mr. Partin from about three o'clock in the morning thereafter?

A. Yes, sir, if you want to call it a formal meeting. [fol. 7214] I have known Mr. Partin for quite some time and I probably have talked to him since that time, but nothing about Mr. Hoffa or anything like that. About other matters in Baton Rouge.

Q. Now, as a matter of fact, Mr. Partin, at the time you talked to him, was confined to the Baton Rouge jail, isn't that right?

A. That is true.

Q. And he was there on a charge of kidnapping, was he not?

A. Yes, sir.

Mr. Hooker: We object to that.

Mr. Haggerty: I say it is perfectly competent to show the circumstances surrounding that.

The Court: Allow you to proceed.

By Mr. Haggerty:

Q. And after this conversation on October 2nd shortly thereafter, Mr. Partin was released on bond, was he not?

A. That's correct.

Q. Now, as a matter of fact, Mr. Partin had attempted to get out on bond on the 29th of September, had he not?

A. I believe that's correct, Mr. Haggerty.

Q. And you opposed it, did you not, in the court?

Mr. Hooker: We object to that.

Mr. Haggerty: I think I am entitled to show the cir-
[fol. 7215] cumstances in this case, your Honor.

The Court: Proceed.

By Mr. Haggerty:

Q. Didn't you oppose it?

A. Yes, sir. May I explain my answer, Judge?

The Court: Yes, sir.

By Mr. Haggerty:

Q. Explain your answer.

A. I'm going to, Mr. Haggerty. On September 29 Mr. Partin was under a charge of aggravated kidnapping. Aggravated kidnapping under the law of Louisiana carries the death penalty. The death penalty crime in the State of Louisiana is unbondable. The law further provides that if the persons kidnapped are returned unharmed, that then the person is eligible for bond. On September 29th, those children had not been returned. When I moved for bond, they had been returned, yes, sir.

Q. Now, as a matter of fact, did you ask or request Mr. Partin or inform him to return the children and that he could be bonded?

A. I think that I told Mr. Partin in effect this, Mr. Haggerty, that I knew that he knew where the children were. That I was holding him personally responsible for their safety. That all I was inteersted in, sir, was to get

those children back and if they were returned I would not [fol. 7216] oppose bond and I would recommend a reasonable bond. That is what I told him.

[fol. 7217] Q. Did you recommend a reasonable bond?

A. If you think $5,000.00 is reasonable, yes, sir.

Q. Well, we'll leave that to the jury. Now, what date was Mr. Partin released?

A. To the best of my recollection it was either October 5 or October 6, 1962.

[fol. 7218] Q. Now, he was released from state custody then?

A. Yes, sir.

Q. And at the time this conference was held on October the 2nd where the recording was made Mr. Partin was still incarcerated in jail?

A. Yes, sir.

Q. Did Mr. Partin say that he had some special information at that conference, the one that you attended concerning Mr. Hoffa, did he say he had some special information? I am not asking you what it is.

A. My answer is yes.

Q. And did he further say or did you suggest that the information he had might be valuable to the United States Government?

A. In my opinion it dealt with national security that was too rich for my blood, Mr. Haggerty, I had to pass it on.

Mr. Schiffer: Well, your Honor, with reference to that answer I move for a mistrial. The answer made by this witness now becomes so prejudicial, he knew he was going to make that answer. He speaks of national security. He puts an imputation in this case which certainly doesn't exist. He knows it would be false, this very witness, so I say to your Honor I move for a mistrial, withdrawal of a juror and let's end this farce now.

[fol. 7219] The Court: Overruled.

Mr. Silets: Joined in by all defendants.

The Court: All right. Allow it to be joined in by all defendants, overruled as to all defendants. The area of which

you asked the question is in the opinion of the Court that it is immaterial.

By Mr. Haggerty:

Q. Mr. Pitcher, is there information on the tape that you gave to the Court that in your opinion affects national security?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

Mr. Hooker: If your Honor please, they are just trying to get something in.

Mr. Haggerty: I state to your Honor as far as we are concerned we are perfectly willing, I am speaking for the Defendant Hoffa, we are perfectly agreeable that the record that your Honor surveyed last night be played to the jury.

Mr. Hooker: We object to it, we think it would be error.

The Court: Ladies and gentlemen, it is the responsibility of the Court to keep this trial upon the issues that are here for trial and the Court is doing its very best to do just that.

[fol. 7220] Your request in that respect was improper, Mr. Haggerty. That matter is not material, not relevant. The Court has so ruled and has instructed you to that effect and it was improper for you to make that remark.

The jury will disregard that remark. Proceed.

Mr. Silets: Your Honor, may I except to the Court's admonition of Mr. Haggerty?

The Court: Yes.

By Mr. Haggerty:

Q. Now, Mr. Pitcher, did you ever travel to New Orleans and have a conference with Mr. Lacour?

A. No, sir.

Mr. Hooker: Object to that.

By Mr. Haggerty:

Q. How—

The Court: (Interposing) He has answered.

A. No, sir, I did not.

Q. Did you have a talk as the top prosecuting official of the Nineteenth Judicial District of the State of Louisiana with Mr. Grimsley?

A. Yes, sir.

Q. You knew in what capacity Mr. Grimsley was there, did you not?

A. I knew that on October the 2nd.

Q. You knew what capacity Mr. Peter Duffy was in, is [fol. 7221] his name Peter?

A. Yes, I think that is it, Mr. Duffy, of the U. S. Attorney's Office in New Orleans.

Q. Were you ever asked by Mr. Grimsley or Mr. Duffy to recommend a low bond for Mr. Partin so that he might be released?

A. No, sir.

Q. Was there ever any agreement between you and Mr. Grimsley and Mr. Duffy that the government wanted him, Partin, for its own purpose, that the bond should be lowered in that case?

A. No, sir.

[fol. 7222] Q. Was there ever any discussion that the government was going to accept personal sureties for the release of Mr. Partin on bond in the indictment, federal indictment in New Orleans?

A. I know nothing about that, Mr. Haggerty.

Q. Did you ever have any discussion of that nature whatever with Mr. Grimsley or Mr. Duffy or Mr. Lacour?

A. No, sir. Could I say this, Mr. Haggerty, I think I might clear something up for you, sir, I know you don't believe this but—

The Court: (Interposing) Well.

Q. How do you know I don't believe it?

A. I mean I understand from your question—

The Court: (Interposing) Refrain from any voluntary statements.

A. I apologize. Just what I am trying to say is my only dealings with Partin in October, at least September and October, were to effect the return of these children, that was my sole purpose in talking to Mr. Partin. After he had this conference with Mr. Grimsley and Mr. Duffy in my office, I had nothing to do with him any further as far as that is concerned, sir.

Q. As a matter of fact, the kidnapping case against Mr. or against Partin was eventually dismissed, was it not?

A. It was dismissed as to all parties involved at the re- [fol. 7223] quest of the mother who had the children back and who wouldn't testify against her husband, who was one of the people indicted.

Q. It required your permission, however, did it not?

A. Yes, sir, it sure did.

Q. And you gave your permission, did you not?

A. Well, Mr. Haggerty, I don't like to lose cases. Yes, sir, I gave, I not only gave my permission, I ordered it nolle prossed.

Q. You ordered it?

A. Yes, sir.

Cross examination.

By Mr. Branstetter:

Q. Now, I believe you stated that after this meeting of October 2nd or the 3rd that you didn't have anything further to do with Mr. Grimsley, Mr. Duffy, or other federal officials?

A. I didn't say I had nothing to do with them, sir. I said I had no further part in this case.

Q. Now, you stated on November 12th, November 12th, 1962, that the kidnapping case against E. G. Partin was being indefinitely postponed because Mr. Partin was en-

gaged in giving testimony in another jurisdiction, November 12th?

A. I don't recall making that statement, sir. I don't recall making it. I won't deny that I made it.

[fol. 7224] Q. Let me see if it will refresh your recollection. I will hand you here—that statement right here at this point—and ask you to read this from the—

A. (Interposing) I see that that is what the paper quoted me as saying, sir, I suppose I did.

Q. Now, when you made this statement, what other jurisdiction was Partin engaged in giving testimony?

A. Frankly I don't know, sir.

Q. Do you know why you made this statement?

A. I had to give some reason for not trying the case, I suppose it was assigned for trial that day.

Q. And the reason you gave that he was engaged in giving testimony in some other jurisdiction?

A. That's what the paper said.

Q. At that time did you know where Partin was?

A. No, sir, I did not.

Q. Now, the bond that he was then under and when the case was continued indefinitely by you was he authorized to leave the jurisdiction of the State of Louisiana?

A. I can't answer that, sir, I don't know, I had not authorized him.

Q. The nature and type of bond that was then in effect, did it or did it not permit a person then on bond to travel beyond the jurisdiction of the bounds of your state?

Mr. Hooker: If your Honor please, we are taking a lot [fol. 7225] of time with what we regard as completely immaterial matters, irrelevant to this inquiry, we object to this.

The Court: Well, sustain the objection to the last question.

By Mr. Branstetter:

Q. You did, November 12th, 1962, move in the district court that the kidnapping case be postponed indefinitely?

A. You are showing me something in the newspaper, sir, that I am not certain about. I may have done it, I may have sent an assistant to do it, I don't know, I really can't answer you accurately as to how it was done. If the paper says I did, I did it.

Q. I say that rather facetiously, I don't know whether I would ever make that admission or not.

A. You are telling me I made the statement, sir, I am not denying it, I don't know whether I did or not.

Q. All right. Do you recall then from this statement whether or not you knew where Partin was or what jurisdiction he was then in?

A. I can tell you very frankly that I didn't know where Partin was.

Q. Had you had any discussions with Duffy, Grimsley, or other officials with reference to his whereabouts at that time?

A. No, sir, I did not, I certainly did not.

[fol. 7226] Q. As to the statement contained in the paper that you may or may not have made that he was in another jurisdiction and the case would have to be continued indefinitely, you are not sure whether that was the real reason for the indefinite continuance of the case?

A. I would say that that is a correct statement.

Q. Oh, could I ask one other question, please?

Now, on November 8th, 1963, may I refresh your recollection also, let me ask you first if you need refreshing on November 8th, 1963, did you personally move or did you send an assistant to move that the perjury count against E. G. Partin be dismissed?

Mr. Hooker: We except to that, object to it on the ground that it's immaterial, if your Honor please, unrelated entirely to this case.

The Court: Well, I don't see any relevancy. I will allow him to answer.

A. I can answer the question, yes, sir. I don't know the date, but I would like to say Mr. Partin was indicted by the grand jury of the parish of East Baton Rouge, I can't give

you the exact date but I will give you what happened. He was indicted for the crime of simple battery on an employee of the Louisiana Creamery.

He testified before the grand jury and arising from his testimony a perjury indictment was returned against him [fol. 7227] at the same time. When we tried the case—

Q. (Interposing) Could I ask you, did you present that matter to the grand jury yourself?

A. Yes, sir, I did.

Q. Or one of your assistants?

A. Yes, sir, I did. And when I tried the case on the simple battery indictment, which was the foundation for the perjury indictment, the Court found him not guilty. I assumed that that was a judicial declaration that he had told the truth.

Q. You assumed?

Mr. Neal: We insist he answer.

The Court: Allow him to answer.

Mr. Neal: You assumed, you assumed what?

The Witness: I assumed—

Mr. Branstetter: (Interposing) I object to him assuming. Let him state what occurred.

A. I tell you what the law is in Louisiana, sir.

Q. All right.

A. When they found him not guilty.

Mr. Neal: Had you finished? Will you let him finish?

Mr. Branstetter: Sure, I will let him finish, Mr. Neal.

A. When they found him not guilty of committing the [fol. 7228] battery he certainly couldn't be tried for lying about having committed it. Do I make myself clear?

[fol. 7229] Q. This was growing out of the same case?

A. Yes, sir, it is.

Q. And he was indicted for perjury and the perjury indictment was dismissed by you?

A. Yes, after he was found not guilty by the court on simple battery.

Mr. Branstetter: That is all.

Cross examination.

By Mr. Silets:

Q. Mr. Pitcher, isn't it true that you have known Mr. Partin for some time?

A. Yes, sir.

Q. As a matter of fact you have known him through his representation and through his activities in your county or your parish?

A. That's correct.

Mr. Hooker: We object to it as leading, if Your Honor please.

The Court: Sustained.

Mr. Silets: Your Honor, this is cross examination.

Mr. Neal: It is not cross examination.

The Court: Proceed. Sustain the objection.

By Mr. Silets:

Q. As a matter of fact, Mr. Pitcher, on June 27, 1962 Mr. Partin was indicted in the federal court, federal in-
[fol. 7230] dictment for 26 counts arising out a joint investigation between the government and your office, isn't that right?

A. That's right.

Mr. Hooker: We object to that.

The Court: Sustained.

Mr. Silets: Now, Your Honor, I would like to know the basis for this. This is extremely pertinent and material.

The Court: Proceed. Proceed.

By Mr. Silets:

Q. As a matter of fact, that indictment was suppressed?

Mr. Hooker: We object to that.

The Court: Well, I don't know what the question is.

Mr. Silets: The question is that the 26 count indictment which arose out of a joint investigation by Mr. Pitcher and

the United States Government was a suppressed indictment. Isn't that right, Mr. Pitcher?

The Witness: I can't answer that question. I don't work for the federal government.

By Mr. Silets:

Q. All right, now, on the 28th of June, Mr. Partin surrendered on that indictment, didn't he?

A. I don't know about that.

Q. But you do know that on the 8th of September your office had through your Grand Jury, your local Grand Jury, [fol. 7231] indicted Mr. Partin on the kidnapping charge?

A. Well, he was indicted for kidnapping. I don't know the date.

Q. Well, the record shows it to be the 8th of September.

A. That is the date.

Q. Then it wasn't until the 25th of September that Mr. Partin surrendered himself on the kidnapping charge?

Mr. Neal: Your Honor, how long can this go on?

The Court: Sustain the objection.

Mr. Silets: Your Honor, I would like to be heard on this. I would like to state why this is pertinent and relevant.

The Court: Proceed.

Mr. Silets: Your Honor, is Your Honor cutting me off from this line of inquiry?

The Court: Proceed. Proceed in whatever you think should be the next question.

By Mr. Silets:

Q. In fact, he surrendered himself on the 25th of September on the kidnapping charge.

Mr. Neal: Your Honor, apparently there is no reason to, no use, of objecting. He just goes right on. He has no right to cross examine this man in the first place. Number two,

he is going into completely irrelevant and collateral matters as Your Honor well knows.

[fol. 7232] The Court: Well, I think it would save time just to proceed.

By Mr. Silets:

Q. Is that true, sir?

A. What is the question, Mr. Silets?

Q. Did he not surrender himself on your kidnapping charge, that is of your Grand Jury, on September 25th?

A. He turned himself in sometime after the indictment, yes, sir, after the—

Q. (Interposing) And according to your testimony he stayed in jail because it was a non-bondable offense?

A. That's correct.

Q. As a matter of fact, on the following day, isn't it true that the indictment was returned in Alabama against him for manslaughter?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

By Mr. Silets:

Q. Well, now, let me ask you this, sir, of your own knowledge, isn't it true that the sheriff's office in Livingston County, Alabama, filed a detainer with your office?

Mr. Hooker: We object to it.

The Court: Sustain the objection.

By Mr. Silets:

Q. Well, on the 27th of September, sir, isn't it true Mr. [fol. 7233] Partin was arraigned on the kidnapping charge?

Mr. Hooker: We object to that.

The Court: Well—

Mr. Hooker: (Interposing) That is immaterial when he was arraigned, Your Honor.

Mr. Silets: It is not immaterial, Your Honor, I think I'm entitled to establish the sequence of these events.

The Court: Allow him to answer.

The Witness: I think the record, the minute entry of that day would be the best evidence, Mr. Silets. I don't recall. He was arraigned, yes, sir.

By Mr. Silets:

Q. And then it was the following day that Judge LeBlanc refused the bond, isn't that correct?

A. I opposed it.

Q. Now, that was about September 28th. Now, Mr. Daniels has testified in that time Partin came to him or mentioned to him that he had some information about Hoffa that he wanted to talk about, now, following that isn't that when Daniels came to you and mentioned what Partin was going to—, what kind of information Partin had?

Mr. Hooker: We object to that as leading.

The Court: Sustain the objection.

Mr. Neal: Your Honor, you have ruled that this is improper time and again. Why does Your Honor permit this [fol. 7234] to go on?

The Court: Just proceed, gentlemen.

By Mr. Silets:

Q. Now, it was after Mr. Partin was incarcerated and had spoken to Mr. Daniels that Mr. Daniels came to you to tell you that Partin had advised him that he had information on Hoffa?

Mr. Hooker: We object to that.

Mr. Reddy: We object to that.

The Court: Sustain the objection.

Mr. Reddy: You have sustained it twice.

The Court: Proceed.

Mr. Silets: I would like to know the basis of the objection why was sustained. Is it the form of the question?

The Court: Both because it is immaterial and irrelevant and because it is leading.

Mr. Silets: All right, Your Honor, I would now like to establish why it is material and why it is relevant.

The Court: Proceed, sir.

Mr. Silets: Your Honor, with all due deference to the Court, I feel the Court is restricting my cross examination in what I feel is a material and relevant area and if the Court please I would like to be heard to explain my objection on it.

The Court: Well, proceed, sir.

[fol. 7235] By Mr. Silets:

Q. Now, Mr. Pitcher, it was only after these events that you contacted Mr. Duffy. Is that right?

A. All I can say is, sir, that it was sometime between the 29th of September and the 2nd of October, 1962 that I contacted Mr. Duffy.

Q. All right, and during that time Mr. Partin was still incarcerated?

A. Yes, sir.

Q. Now, you said that first you called the FBI, which office of the FBI did you call?

A. I say I think that is what I did, Mr. Silets. And if I did I called the Baton Rouge, Louisiana office.

Q. Who did you speak to?

A. I could have spoken to any one of three or four people.

Mr. Hooker: We object to that. It is immaterial.

The Court: Sustain the objection.

By Mr. Silets:

Q. Will you relate the conversation?

Mr. Silets: We object to that.

The Court: Sustain the objection.

Mr. Silets: Your Honor, again I would like to state for the record that the Court is restricting my cross examination.

[fol. 7236] The Court: All right. Proceed.

Mr. Silets: I would like to be heard to explain the relevance of this.

The Court: Proceed, sir.

[fol. 7237] By Mr. Silets:

Q. Now, following your conversations with Mr. Duffy, did you speak to Mr. Partin about the kidnapping charge?

A. Yes, sir.

Q. And didn't you tell him that in order for him to go ahead with the Federal Government it would be necessary for him to return the children?

A. No, sir.

Mr. Hooker: We object to that.

The Court: Well, he answered, I believe.

The Witness: My answer is no.

By Mr. Silets:

Q. What did you say to him at that time after you spoke to Mr. Duffy?

A. I didn't talk to Mr. Partin again until Mr. Duffy and Mr. Grimsley and Mr. Daniels were present on October 2nd, I believe it was.

Q. All right. Did anyone under your supervision or in your office, to your knowledge, speak to him after you had spoken to Mr. Duffy? Speak to Partin, that is?

A. I couldn't answer that; not under my direction, sir.

Q. Isn't it true that Mr. Daniels spoke to Mr. Partin?

A. I would imagine that he did, yes, sir.

[fol. 7238] Q. And that was following Mr. Daniels' conversation with you, is that right?

A. This was in a very short span of time, Mr. Silets. I don't know the answer to that.

Q. Things were happening rather quickly?

A. I would say yes.

Q. Now, the fact is that the two children were returned to the Sheriff's Office at two o'clock in the morning on October 4, 1962? Basically, isn't that true?

A. I don't remember the date, but I remember the hour because I was there.

Q. Now, was that by pre-arrangement?

A. The first information I had, Mr. Silets, is when the Sheriff's Office called me and said that the children will be here in 30 minutes. I went—I dressed and went to the courthouse and they were brought in, I say around two o'clock in the morning, yes, sir.

Q. Do you know how they happened to come to the Sheriff's Office?

A. I certainly—

Mr. Hooker: (Interposing) We object to that.

The Court: Sustain the objection.

By Mr. Silets:

Q. Do you know whether you had advised Mr. O. C. Brown, Mr. Partin's lawyer, that you were going to speak [fol. 7239] to him?

A. I don't remember that.

Q. You spoke to him outside of the presence of his lawyer, didn't you?

A. I would say yes.

Q. And at a time when he was being held on a charge in your Parish?

Mr. Hooker: We object to that.

The Witness: Let me answer that, Mr. Hooker.

The Court: Sustain the objection.

Mr. Hooker: Withdraw the objection.

The Witness: At his request, yes, sir.

By Mr. Silets:

Q. Whose request?

A. Mr. Partin's request.

Q. Did you advise Mr. Brown what you were up to?
A. I don't think I told Mr. Brown anything, Mr. Silets.
Q. Who did you tell what you were up to?

Mr. Hooker: We object to that.
The Court: Sustain the objection.

By Mr. Silets:

Q. Now, when these children, mysteriously arrived at two o'clock in the morning at the basement of the Sheriff's Office, then you were able to get a bond for Mr. Partin, [fol. 7240] isn't that right?

A. Yes, sir.

Q. And wasn't that part of the entire overall understanding that he was to be released on bond?

A. My understanding with Mr. Partin was that I would recommend a reasonable bond if, as, and when the children were returned unharmed. That is it, yes, sir.

Q. And isn't that true that it also arose out of the conversations with Mr. Duffy and Mr. Grimsley?

A. Absolutely not.

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[fol. 7248] By Mr. Hooker:

Q. Mr. Pitcher, you were asked about making some statement to the newspaper that Mr. Partin was away testifying in some other jurisdiction. At the time you made that statement, if you did make it, was that your information?

A. To the best of my recollection, Mr. Hooker, yes, sir.

[fol. 7249] Q. Now, about this kidnapping case that you were asked so many questions about, was that a domestic affair between the husband and wife?

Mr. Silets: Objection, your Honor, a grand jury returned an indictment, it's not a domestic affair when the grand jury returns an indictment. Mr. Hooker knows that it's an improper question.

The Court: Overrule the objection.

A. Yes, it was a charge made by the wife against her husband.

Q. Against her husband and against Partin?

A. That is correct.

Q. And you investigated it thoroughly?

A. Yes, sir.

Q. The children were returned?

A. They were.

Q. The husband and wife go back together?

A. They have.

Q. Live happily ever after?

Mr. Schiffer: Objected to.

A. I wouldn't know about that.

Mr. Schiffer: This is highly improper.

The Court: Sustain the objection.

Mr. Schiffer: How would this witness know and how does the examiner here know?

[fol. 7250] Mr. Hooker: Well, I want to show how absurd it is.

Mr. Schiffer: It's absurd that he brought an indictment and a criminal indictment and now the government takes the position, "Oh, it's nothing at all to be indicted"?

The Court: Sustain the objection to the last question.

By Mr. Hooker:

Q. Well, in any event, after you fully investigated and the children were brought back—

Mr. Schiffer: (Interposing) Objected to, your Honor. We have been curtailed in our questioning here, the fact that there was an indictment, whatever happened after that, if this man did not carry out his responsibilities, let not Mr. Hooker make an excuse for him. The fact that Mr. Partin was never tried for the crime, despite what this witness has to say, there was the indictment there.

it was quashed and this is the witness who did it in subversion against the face of the law and a kidnapping of children.

What are we trying to justify in this action right here, your Honor? That it's legal now to kidnap children?

By Mr. Hooker:

Q. Did you see the husband and wife together?
A. Yes, sir.

[fol. 7251] Mr. Schiffer: Objected to, your Honor. This is in derogation of an indictment against the star witness for the prosecution.

Mr. Berke: He says we can't go into these collateral matters, if your Honor please, now he has gone into it himself, I think it's a two-edged sword.

The Court: Well, sustain the objection.

By Mr. Hooker:

Q. Well, in any event, the case as far as Mr. Partin is concerned—

Mr. Brown: (Interposing) Your Honor just sustained the objection to him going any further. Mr. Hooker just persists going right on.

Mr. Hooker: No, sir. I'm going to ask him if the case against Mr. Partin in connection with the kidnapping was completely dismissed.

The Witness: It was.

Mr. Berke: We admit that he did that.

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[fol. 7253] JAMES R. HOFFA, one of the defendants, called as a witness in his own behalf, being first duly sworn, was examined and testified as follows:

Direct examination.

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[fol. 7266] By Mr. Berke:

Q. Mr. Hoffa, state whether or not prior to your arrival in Nashville if headquarters for the operation of the International Union's business was set up in the Andrew Jackson Hotel.

A. Yes, sir, I instructed Attorney Bufalino to go into Nashville, Tennessee, to set up a temporary office with the understanding that my secretary that appeared on this stand, Gayle Wesmey and Larry Steinberg, who appeared here, proceed also to Nashville and continue setting up the necessary requirable offices to administer the affairs that I could not handle by either telephone or by administrative assistants throughout the United States at the Nashville office.

Q. When you arrived in Nashville, did anyone come with you, sir?

A. Yes, sir, Gayle—, Larry Steinberg and we met Gayle Wesmey at the airport, picked up Steinberg in Cincinnati and we both came on the same American flight to Nashville.

Q. Did you then come on to the Andrew Jackson Hotel?

A. Picked up at the airport by Ewing King, as demonstrated by the picture that the jury witnessed here recently [fol. 7267] in the trial, and in a Thunderbird, by the way, and went down to the Andrew Jackson Hotel, yes.

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[fol. 7275] By Mr. Berke:

Q. How was your time spent during the first few days of the trial when you did receive the records, Mr. Hoffa?

A. Well, necessarily the records weren't involved in all

of my discussions. Bufalino had taken down voluminous files. As a matter of fact, two large file cabinets that we took each day to court by truck. Some 2-file cabinet drawers to each one of the file cabinets full of records. And it was necessary that we chronologically put those in order that we could start at the beginning of the corporate structure up to the current date to be able to properly explain as I stated.

As I stated before in detail explained that operation. When we arrived in Nashville, and I checked into the hotel room, I immediately located the attorneys, brought them into my suite which has been on the diagram here, a large room. We sat down and platted out and planned how we were going to handle the necessary brief work to go in front of the Court prior to the selection of the jury as we did here.

[fol. 7276] And then we took those individual items and we refreshed our memory and went over them to determine that each one of us who were going to be involved in that case would be acquainted with every single document in those two file cabinets so that we would have no cross fire or cross question concerning the necessity and the timing of those documents to be presented in our trial in Nashville.

We did this in the afternoon of Sunday when I arrived there until the late evening. We went to dinner. We came back and worked far into the night.

The following morning when we arose, we again discussed it briefly with Bufalino. I did. Bufalino slept in the same suite I was in, the adjoining bedroom. And we went down to breakfast. Came back again from court where we had primarily talked about briefs on that Monday morning, not the jury.

And we again immediately went into sessions to try and work out again the details that had not been completed for the trial and this continued on for about three days.

The third day we had finally set up our office. It finally had our files placed in proper order and we were in a

position then to intelligently present the evidence to the Court and try our case.

I had no appointments. I refused to accept phone calls [fol. 7277] except extreme emergency phone calls. And worked constantly with my lawyers to get in line what I knew personally concerning the case far better than the lawyers. That would be necessary for the presentation.

Q. Did you keep any appointments with any other persons other than your attorneys for the first three days, Mr. Hoffa?

A. Yes, sir. Steinberg and my secretary necessarily had to meet and bring in correspondence that was urgent. Bring in certain phone calls that were urgent. Have them handled and I detailed the work back to them. They took care of it. What work was necessary from a legal angle I turned over to Bufalino. He dictated the necessary legal memorandums and the work was carried on then immediately and in conjunction with my attorneys, Mr. Haggerty, Mr. Kossman, Mr. Maher, Mr. Previant, and various other attorneys.

Q. Mr. Hoffa, except for your attorneys and Mr. Steinberg and your secretary, did any other persons have any interviews with you or discussions with you during the first three days that you were in Nashville?

A. I had no discussions other than the preparation of my case for the Sunday afternoon, Monday and Tuesday and then after court on Wednesday. I started to accepting necessary appointments that had piled up to take care of the administrative work of the International Union.

[fol. 7278] Q. Mr. Hoffa, while you were in Nashville, for the 2-months period, state whether or not you in addition to the duties involved in your trial if you kept up and transacted your work for the International Union?

A. Just as I do here. I have a procedure that I arrange to take care of the International business. Allocate the time immediately and return to the hotel. Work out the phone calls, the communications, sign the necessary documents that had to be filed with the appropriate state

agencies. By deadline established by law. And then after that I immediately would sit down with my lawyers and work out the proceedings for the following day.

Sometimes go next door and get a rub, steam, to relax a little bit. By then the transcript would be back. I would insist that each lawyer take a copy of the transcript, go to his room, read it, mark it, then we would meet jointly and compare our markings and our notes to correlate the program for the following day of the previous testimony as we do in this trial to properly present our case.

It took anywhere—excuse me, took anywhere from 15 to 16 hours a day to carry on the constant campaign of the court and the necessary administrative work and meetings because I, likewise, carried on meetings of individuals throughout the South that had pressing problems in my suite in between the times that I met with my lawyers.

[fol. 7279] By Mr. Berke:

Q. Mr. Hoffa, did you in Nashville, and now also in Chattanooga, maintain an International Union headquarters?

A. Yes, sir, three doors down there was—, two doors, Bufalino's door, the next door I believe was the legal typists, the necessary reproducing machinery, and I believe the following door down was Gayle Wesmey's office and across the hallway was Larry Steinberg's sleeping headquarters plus a combination office.

Q. Did you import some of your help from the International Headquarters into Nashville and then Chattanooga in order to transact your business?

A. More so in Chattanooga than in Nashville because I was able to get competent legal help in Nashville to carry out the necessary work of the attorneys in coordinating the lawsuit and I was able to minimize the amount of International work by having one of my other administrative assistants fly in twice a week and work out the detailed arrangements where it could be handled back in Washington or Detroit.

Q. Mr. Hoffa, did you know Mr. Edward Partin?

A. Yes, sir.

Q. Can you tell us approximately when you first became acquainted with him?

A. I would imagine sometime in the convention year of 1957, maybe prior to that in some state conventions, but [fol. 7280] with very slight knowledge until the Esso campaign, I believe, in '59, in '59 when I went down to Baton Rouge to assist in the Esso program of organization I became better acquainted with the individual named and at the convention I became acquainted likewise with the Ed Partin and also in administrative work of his local union in conjunction with the International Union subject primarily to strikes and to appeals.

As far as our personal relationship was concerned I question whether or not prior to the Nashville trial I had saw Partin more than ten or twelve times in my life that I can recall.

Q. Mr. Hoffa, you have already stated that Mr. Partin was secretary-treasurer of his local union. Does he hold any office whatever with the International Union?

A. Neither the joint conference nor International Union, just the local union secretary as we have some five or six thousand other individuals holding the same positions.

Q. Do you recall, Mr. Hoffa, with reference to the Nashville trial the circumstances or approximately when, if you recall, that Mr. Partin called you with reference to any appointment or meeting?

A. I have checked my records sitting in this courtroom and listening to a lot of conversation and the best I can evidence, and I have the memoranda here, that sometime in the 18th but rather the 8th, even, on a call of October 8th [fol. 7281] that apparently came to my office in Washington I discussed with Partin the fact that he had just been released from jail and then later on, I believe in the 18th when I was in Newark attempting to settle a dispute between employers and our local union there, I must have received another phone call in that Newark area and Partin invited himself to Nashville to take care of his personal

problems that were most pressing at that time where he had some six indictments pending.

Q. Mr. Hoffa, did you invite Ed Partin to come to Nashville for any benefit of yours whatever?

A. No, sir.

Q. Would you have needed Partin in the defense of your suit in Nashville?

A. Ed Partin knew nothing of the details of my lawsuit in Nashville, Tennessee, and in my opinion came there to learn it from other people other than those that had business with Ed, the government.

Q. All right. Following your discussion with Ed Partin, did you at some time during the progress of your trial get to see Ed Partin?

A. Yes, sir.

Q. Do you recall what that discussion was when he finally did get to see you?

A. Yes, generally it was his trouble. I think it was some-[fol. 7282] time in—, to the best of my recollection, sometime in the second week of the trial or the latter part of the first week, I am not sure, and he came there with the express purpose of trying to show why his local union should not be placed in trusteeship because we had so many complaints and so much problems with our local union in Baton Rouge over a long extended period back, particularly in the years '61 and the early part of '62 that we were requested by our vice president, M. W. Miller, to place the local union in trusteeship for the benefit of the workers.

Generally I am opposed to trusteeships and I try to avoid them and I had been working with Partin trying to get him interested in straightening out that local union and paying attention to his business rather than running all over the country and he came there primarily to plead not to be placed in trusteeship and that he would straighten up and operate his union the way it should be operated. That is my recollection generally of our conversations.

I had no need for Partin to assist me whatsoever in any trial in Nashville because it was so technical that it took

skilled lawyers and technicians to put together the evidence of that trial because it was dealing with figures and cost factors.

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[fol. 7283] Q. All right. Now, Mr. Hoffa, I believe you have already stated that your conversation with Mr. Partin was in the latter part of the first week of your trial or the early part of the second week of your trial.

A. To the best of my recollection, yes, sir.

[fol. 7284] Q. Do you have any way that you can fix that time any closer than that, sir?

A. I wouldn't attempt to because I am not one who will sit here and tell you that I can remember what happened 30 days ago with any clarity unless I can refer to records or documents that we keep in the course of business to refresh my memory. I just would not try to do it.

Q. Now, Mr. Hoffa, after you had this discussion with Mr. Partin, state whether or not you had numerous other conferences with other union officials all over the United States that came to Nashville to discuss problems with you?

A. I had extensive meetings in Nashville with responsible heads of organizations to take care of their problems. Who they were, I could not even tell you at this moment, because I have a very concise habit of having to handle a very voluminous business. I handle it, make quick and rapid decisions, and when those decisions are made, I wipe it from my mind and go to the next problem I have running this large International union.

Q. Now, Mr. Hoffa, in connection with your discussion with other officials of other unions, do you have any assistants from any of your head personnel there with you at the time you make these decisions to carry out your orders?

A. You talking about Nashville?

Q. Nashville, yes, sir.

[fol. 7285] A. Larry Steinberg came in, was in there al-

most permanently, Joe Konnell came there from the Washington office, Harold Givens came from Washington. N. W. Miller came in from Dallas, I believe there was a vice president from Chicago came in, one from Detroit, vice presidents of councils, joint councils in Ohio, Indiana, and various other areas I cannot recall, as I state, exactly who they were because their problems were taken care of either by calling the necessary parties and assigning it to a responsible head of one of our divisions with instructions as how to handle that problem or it was handled by myself personally on long-distance phone or a decision was made that did not necessitate the keeping of records for those decisions.

Q. Mr. Hoffa, when you made decisions after interviewing responsible heads of local unions and other matters pertaining to union business, did you relay those orders to someone who in turn would carry out the orders for you, sir?

A. We have 17 trade divisions, we have administrative heads of those trade divisions, and generally when the discussion that is necessary on the top level of the general president is finally reached in regards to a decision it is funneled back into the responsible head of that particular division and the division then instructs his personnel working under him as to how to handle that problem as from an administrative order from the top of the International [fol. 7286] union, namely myself.

Q. Mr. Hoffa, do you recall then how long it was after your first discussion with Mr. Ed Partin until he was granted leave to have a further discussion with you in your offices?

A. I believe sometime around the end of the trial. He had persistently been wanting to meet and have a discussion of some length, which I could not do at the very pressing point of the trial, but as the thing generated into the evidence being presented and it kind of simmered down and leveled off, Bufalino and myself, who had been meeting with him, agreed to sit down one evening and give a full

discussion as to what really was the problem and why he could not administer his local union.

[fol. 7287] We did that. And I can say that I have been in this International for some 34 years, I never heard such a story in all of my life.

I just couldn't envision what this man was talking about and I finally asked him whether or not he was physically ill or whether he should have some type of treatment because he was nervous, upset, almost incoherent. Talking about the 26 counts that he had ranging all the way from kidnapping to manslaughter.

And in addition to this he was very perturbed. Brought me a handbill of the accusations that he had gone to Cuba. Was in constant contact with Cuba in regard to shipping arms.

Mr. Hooker: We object to that, if your Honor please.

Mr. Berke: Just a minute, if your Honor please. He denied that, if your Honor please, and we have laid the foundation for that with this defendant. This defendant can't be cut off from stating what the conversation was when he says the conversation was something else. Now, we are entitled to do that.

The Court: Proceed.

By Mr. Berke:

Q. Go ahead, sir.

A. Then I asked him right out, "Listen, Ed, I want to [fol. 7288] ask you a question. Are you involved in smuggling arms into Cuba? Because if you are I am not only going to remove you from the local union, I am going to expel you."

And he attempted to try to explain it in a way with the most peculiar attitude of any man I ever saw as though it was just nothing.

I said to him then, "I want to tell you something, Ed, I am going to make an investigation of this as soon as I get all of my troubles out of the way and then when I know about your activities of talking to individuals who have

been to my office who put out these handbills against you, we are going to take some action against you."

Well, in addition to that he wanted to talk to me about finances. Now, normally this International Union will finance local unions who are in difficult positions financially, but as I explored what he was doing with the money of his local union, I could see that it was being squandered by just loose trips, and I again told him, "Unless you sit down and run that local union the way it is supposed to be run and you clear up all these charges against you, I'll give you an opportunity without removing you because I have been indicted, I know what it is to be indicted, it doesn't always mean you are guilty. I will give you an opportunity to clear those charges up but I'm telling you, if you are convicted of any one of them I will remove you [fol. 7289] from office and I will put that local in trusteeship for six months and then we will let the membership elect their own officers because you are destroying our local in Baton Rouge."

He pleaded for another chance. It blew up. He stormed out of the room, and that is the way we left it.

Q. After he stormed out of the room, Mr. Hoffa, did you see him any more in Nashville after that?

A. I don't recall seeing him other than maybe a glimpse in the Coffee Shop or a glimpse in the lobby. And I asked him, "What are you doing here?"

He said, "I want to convince you that I want to do what is right."

I said, "Ed, you've been talking to me for three years about what is right and I am tired of listening to you. Now, you straighten up as I told you in the meeting or go."

Q. Mr. Hoffa, it has been testified here that at some time during your Nashville trial Mr. Partin sat on the outside of your room at a table there as a guard to your room. Can you enlighten us about that?

A. Yes. We had some problems. We complained to Judge Miller that one evening, I should say, one morning, early in the morning, Steinberg woke up and we found

somebody ransacking our legal office. Steinberg endeavored to catch him. He couldn't.

The following day we found another individual on our [fol. 7290] floor and we were on an alcove where nobody was supposed to be there except our group, the elevator down, that we have in the Hotel Patten over here.

And it became nevessary to protect our records and particularly to protect people from coming around and listening to the door and on the pretext they were just walking up and down the hallway to overhear the conversations of our discussions with our lawyers and to view documents that were out in the open, that Partin did off and on when we had a lawyer meeting, when he was in town, sit there with a table just to see that nobody came near that door and listened to the conversations which were purely confidential conversations of planned strategy for our next day's appearance in court.

Now, I understand why he was there, it was to give information to the government.

[fol. 7291] Q. Mr. Hoffa, after you had had this turmoil with Mr. Partin when you, as we say, laid the law down to him, did he continue to make himself known there or seen around the International and did he continue to stay as a guard there out in the hotel or did he leave?

A. No. We finally arranged to have Chuck O'Brien take over the policing of the hallways to make sure we were not molested as he does right here now. Except here we have three armed guards.

Now, the question involved is very simple, that I was in a struggle with the United States Government trying to prove my innocence as I am trying to prove it here, and I was principally and primarily engaged in that lawsuit constantly day and night with my attorneys.

I had numerous attorneys there as I have here, because my responsibility was such that I had no right to take that case lightly because it affected the lives of 1,700,000 families in this country if I should be convicted and not be able to administer the affairs of this union.

And so I cannot say that I watched every day for Partin. I only recall the fact that Partin used to come to my room occasionally and bring me a newspaper in the morning, "Good morning, how are you?" And he disappeared after that. Now I understand why.

Q. Mr. Hoffa, did you ever see Nicholas Tweel in the [fol. 7292] Andrew Jackson Hotel?

A. No, sir.

Q. Did you ever—

A. (Interposing) I didn't know the man, excuse me, I didn't know the man. If he would have been standing right in the lobby and I came out of an elevator, I could not have identified him from one of a hundred people in the lobby.

Q. Did you ever tell Ed Partin that Nicholas Tweel or Anthony Quinn, or whatever name he elected to give here, was in Nashville to help you out in this case?

A. I certainly did not. I needed no help. I had competent legal counsel. I knew I was innocent and I knew that the documents would prove ultimately in that courtroom as to who was right and who was wrong in that trial.

Q. Now, Mr. Hoffa, on the record, page 2962 of this record, Ed Partin was quoted to make the following statement.

"I went up to Hoffa's room. I asked him did he know the fellow Anthony Quinn and he said no. I don't know him. I then described him to him. And told him that he was a friend of Allen Dorfman's. Said, oh, yes, he is here to help me."

Did you ever make any such statement to Ed Partin?

A. I made no such statement and it is ridiculous on its face. If he didn't know the man and I didn't know the man, how would I say that I was going to have him help me? [fol. 7293] It is ridiculous on its face.

Q. All right, sir, Mr. Hoffa, on the record, page 3222, Mr. Ed Partin in one of his answers stated as follows.

"He," now I assume he is talking about you, "He told me he would like for me to stick around a day or two. That

he might have one or two people he wanted me to call. He said they were going to get one juror or try to get to a few scattered jurors and take their chances."

Did you ever make any such statement like that to Ed Partin?

A. I sit here and listened to the explanation, if that is what it was, from the witness stand, one of the most rambling discussions I ever heard in a courtroom, and I don't yet know what day that was supposed to have happened, what hour it was supposed to have happened, and I think it is very unfair that a defendant should have to defend himself on variations of dates without being specific and pinpointed as I have learned to be in courts.

I say I did not make the statement and I flatly deny it. And I would like to have somebody tell me when and what hour was it made because if you will recall I was principally in each and every day principally engaged with my lawyers. I can't understand all of these statements.

Q. Well, Mr. Hoffa, regardless of what dates or what hour, if the witness couldn't fix it, did you make any such [fol. 7294] statement to him at any time?

A. No, sir, I did not.

Q. Mr. Hoffa, on the record, page 3236, Ed Partin made the following answer to some question and he said as follows.

"He," and I assume he is referring to you, "He called me into his room and told me when I came back he may want me to pass something for him."

Did you make that statement?

A. In the first place, that is a ridiculous statement to try to be tied to this case because I never made the statement and the way it is couched I don't even know what it means frankly.

Q. Did you make any statement that you may want him to pass something?

A. I stated I did not, sir.

Q. Mr. Hoffa, on the record, page 3246, Ed Partin said as follows, and I quote:

"And he—"

Mr. Neal: (Interposing) Excuse me just a moment, your Honor, could Mr. Berke give the full reference there? I think he hit his rear pocket, is the statement. He said he wanted him to pass something.

The Court: Well, proceed.

Mr. Neal: Very well.

[fol. 7295] By Mr. Berke:

Q. And I have copied this from the transcript. If I am in error you can call my attention to it.

Mr. Neal: I will.

By Mr. Berke:

Q. From record Page 3246.

A. I would like to say this, sir, that I don't think that you can call a conversation a slap on the hip pocket, so I don't think it's misquoted, what you read.

Q. This thing I am speaking of does not have that statement in it, Mr. Hoffa.

A. I listened to Mr. Neal.

Q. Well, that is,—

A. (Interposing) He's good at that.

The Court: All right, let's proceed.

By Mr. Berke:

Q. Now, on record Page 3246, Mr. Hoffa, Ed Partin is supposed to have said as follows, "And he," meaning you, "nodded his head to me and he told me that, 'the dirty bastards went in and told the Judge that his neighbor had offered him $10,000.00', he said, 'we are going to have to lay low for a few days.'"

Did you make any such statement to him?

A. I never made any such statement to anybody but I would like to explain that situation. We were called into [fol. 7296] Judge Miller's court and we were told in a confi-

dential session what had transpired according to him and not to discuss it except among lawyers and clients.

We discussed that evening with our lawyers—, in the afternoon—, why anybody would have did what apparently, they apparently allegedly did because it didn't make any sense. The man wasn't even a juror.

I never made any such statement to Ed Partin and if he overheard a discussion with my lawyers and distorted it it's an absolute fabrication.

Q. Mr. Hoffa, on record Page 3261 and continuing on, Mr. Partin was quoted to have made the following statement in the record, he said as follows. "He." referring to you—, no, strike that—, he said as follows, "He is a football player and Mr. Hoffa asked me if I knew—, did I know him and Phil King, that Phil King wouldn't matter so much because he understood he wasn't too well liked and he asked me would I get ahold of them for him."

Did you make any such statement to Ed Partin?

A. Well, in the first place, I don't think I speak that way and, secondly, why anybody would get ahold of a football player for a trial is a mystery to me. I positively did not make the statement.

Q. Did you know Bill Wade?

[fol. 7297] A. I never heard of the gentleman.

Q. Did you know Phil King?

A. Never heard of the gentleman.

Q. Now, Mr. Hoffa, are you even a football enthusiast?

A. No, sir, I am involved in running a large organization and very rarely do I get a chance to view football. I have never been to a professional football game, ashamed as I am to say it.

Q. Is football one of your hobbies, Mr. Hoffa?

A. No, sir, only when my son was playing football did I take time out to go to see a football game.

Q. Mr. Hoffa, had you ever met Mr. Wade?

A. I had not, I have not met him to this day.

Q. Do you know Mr. Wade or Mr. Phil King?

A. No, sir.

Q. Mr. Hoffa, on record Page 3236, Mr. Ed Partin is quoted to have said, "He wanted to get him to come into town and circulate around, see if he knew anyone he could get to on the jury and to come into the courtroom and shake hands and mix up with the defendants."

A. Well, first of all there wasn't any defendants, it was Hoffa only, and secondly, I never made any such statement at all to Ed Partin.

Q. Were any of these defendants on trial in that case?

[fol. 7298] A. No, sir.

Q. Were you the only defendant in that case?

A. Yes, sir. He became confused with this case, I am afraid, with his story.

Q. On record Page 3269, Mr. Hoffa, Ed Partin is quoted to have said as follows, "He told me he thought the banker witness had heard him that day on the stand and said he would pay fifteen or $20,000.00, whatever it cost to get to the jury."

Did you make any such statement?

A. I made no such statements, as a matter of fact, the record will reflect there was no such testimony concerning what he is talking about there in Judge Miller's court, the court record will indicate it is a fabrication.

Q. On record Page 3279, Mr. Partin is quoted to have said that you said as follows, "King keeps telling me that he can get the patrolman but he don't get to him. He keeps talking about it and fumbling around."

Did you make any such statement?

A. I made no such statement and I don't talk that way.

Q. Did you ever tell Ewing King to get to the policeman or the patrolman?

A. No, sir, and Ewing King so testified on this very chair.

[fol. 7299] Q. Now, Mr. Hoffa, on record Page 3283, at 3284 and 3285 Mr. Partin makes a long statement, I don't know whether you can understand it or not, but I will read it to you, I will let you listen to it and see if you made any such statement as this, "He told me at that time, I told him I thought the trial didn't look too good. Well, when he

got talking to me he said, 'well, don't worry about it too much because I have got the colored male juror in my pocket. One of my business agents Campbell came into Nashville prior to the trial and took care of it.'"

"He told me that Campbell was kin to the juror and that he wouldn't take any money but he wouldn't go against his own people. He told me he was an old retired railroad worker. He fished all of the time. Sat and fished and didn't have a care in the world. Said didn't worry anyone. Said it looks like our best bet is a hung jury unless we can get to the foreman of the jury. 'If they have a hung jury it will be the same as acquittal because they will never try the case again."

Did you make that statement, Mr. Hoffa?

A. I did not make the statement but let me say this in way of explanation, if you will turn to Page 540 of the transcript in the Nashville trial most of those words were stated there with the exception that I don't happen to be colored, not that there would be anything wrong with it, [fol. 7300] everybody is born what they are born and, secondly, I don't know how anybody could talk about getting to a foreman of a jury because this jury don't have a foreman no more than that one until they retire back to the conference room, then they will select a foreman, so it's a rambling statement, it can't be attributed to me, I did not make it.

Q. Mr. Hoffa, did you make any statement therein that in your trial this colored juror would not go against his own people?

A. In the first place I never made such a statement, and, secondly, I don't understand the statement, if I may, because he talks about Campbell coming down here to a trial. Now, I would like to know with any common sense how did anybody know who was going to be a juror until the jury sat in the jury box?

[fol. 7301] Who would you come down to see? Stop everybody on the street and ask them are you going to be a juror?

Q. Did you have any way of knowing that there would be a colored, male juror on the jury?

A. No more than I knew who would be on this jury.

Q. Did you ever tell him that Larry Campbell had gone to Nashville before the trial and took care of this colored male juror?

A. I did no such thing and Larry Campbell testified here he had not been down to Nashville the year of 1962.

Q. Mr. Hoffa, did you ever tell him that Larry Campbell was akin to whatever colored juror might happen to be on the jury?

A. Well, the best answer to it is, he was not the kin. Listening to Carl Fields talk here. I certainly did not say it.

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[fol. 7304] By Mr. Berke:

Q. Now, Mr. Hoffa, in record Page 3294 Mr. Edward Partin, in answering one of the questions referring to you, stated as follows, "He was on him again about making the contact—not making the contact like he told him he would and he wanted some insurance." Did you ever make any statement like that?

A. No, sir, I did not.

[fol. 7305] Q. On record Page 3298 Mr. Edward Partin made the following statement in the record, "Hoffa called Mr. King a stupid SOB for thumbing around and not getting the job done."

Did you ever make any such statement like that?

A. No, sir, I don't talk to my associates that way.

Q. On record Page 3301, Mr. Hoffa, Edward Partin in the record said as follows, "He asked him how things were looking, the best of my recollection, and had he made the contact. He said he didn't think he would need to because things looked pretty good."

Did you make any statement like that?

A. I never heard Ewing King make any such statement and it just doesn't tie in with the very question above there, it doesn't make any sense to me.

Q. All right, sir. On record Page 3309 Mr. Edward Partin in the record made the following statement, "He," referring to you, Mr. Hoffa, "He said that he was disturbed because the highway patrolman wouldn't take the money. He said if he had have taken the money it would have pinned him down and he couldn't have backed up."

Did you make any such statement like that?

A. I made no such statement and I listened very closely to the discussion here from the witness stand and I never heard the discussion of money, I made no such statement.

[fol. 7306] Q. On record Page 3332, continuing into record Page 3333, Mr. Partin made this statement, "I told Mr. Hoffa Mr. Tweel needed a jury list in order to call back Mr. Hall and tell him who was on the jury."

Did you make any statement like that, Mr. Hoffa?

A. No such statement was made by myself and the jury list, as explained from this very chair, was a public matter.

Q. Did you make any statement to Mr. Partin that Mr. Tweel needed a jury list?

A. In the first place I didn't know Mr. Tweel so I could not have made such a statement and I never made such a statement.

Q. Were jury lists available to the public in court and also through the newspapers?

A. In the court and in the newspapers. Any person in Nashville who wanted a list could have gone right up to the Court, as they can do here, get the copy of the panel, plus the jurors after they were in and no problem, names, addresses, community.

[fol. 7307] Q. Were the jury lists freely distributed in the courtroom?

A. I don't say they were freely distributed. They were available to those who wanted them. I don't remember seeing them scattered around the courtroom.

Q. On record, page 3337, Mr. Partin made the following statement in the record.

"When we went to go out, he told Mr. Hoffa when we went to go out that he had contacted the party."

Let me read it again. This is just what it says.

"When we went to go out, he told Mr. Hoffa when we went to go out that he had contacted the party."

A. It doesn't make any sense as to the question whatsoever but I read the transcript and I know what he said he was talking about and I deny that Mr. Dorfman told me that he had called Mr. Tweel from the railroad station and the only way that I know is by reading the transcript that happened in this court. An absolute lie.

Q. Then on record, page 3377, Mr. Partin said, "Yes, sir, I reported to Mr. Hoffa about it." Did he make any reports about it?

A. He made no such statement to me and it wouldn't have made any sense out of context the way it is stated there. However, I again read the transcript. Apparently applied to some phone call he had made in Dallas and if [fol. 7308] he didn't relate the information out of Dallas which he didn't know, I don't know how I would have known. I think everybody here listened to it as I did very garbled.

Q. Mr. Hoffa, will you state what Mr. Dorfman was doing in Nashville on the several trips that he made from his home to Nashville, Tennessee, to attend this trial?

A. Yes, sir. First of all, as I stated, Allen Dorfman is a friend of mine as well as association in business. And personal enterprises as well as being the agent for the health and welfare plan that we have plus some International business. But more particularly in October, November, and December 1962, as almost every ending of every year, we have to anticipate the program for health and welfare for the next 12-month period. And we generally start discussing it 60 or 90 days ahead of time.

And we had to have a complete report for the February meeting, by February, have it prepared I think for the March meeting as to what we anticipated changing. The medical plan, and the out-of-work benefits, and the life insurance to our members and so because I was tied up

in all of this legal proceedings, I couldn't sit down as I normally did for a full day or an evening and give it the necessary attention. And go over all the figures involved, but I did it sporadically as I could fit it into my time.

Plus the fact, I wanted one more thing for our members [fol. 7309] which I have been trying to get for a long period of time, and that was a complete eyeglass and denture care. One of my dreams for our membership and their children and wives having full teeth, eyeglasses, and I had asked Mr. Dorfman 12 months before to work with all the doctors in the south and the middle west, some 200 doctors, to put together a tremendous program of being able to administer eyeglass and teeth and find out the approximated cost per hour that we would have to receive from the employer in our forthcoming contracts to be able to pay for this type of care.

And so we did spend many long discussions at various times over these two particular programs plus the fact and they were trying to work out some method of having insurance for our retired members. We've been in a constant running discussion and kind of a feud with the Treasury Department over being able to give to our retired members life insurance, and free hospital care. And again we were discussing that. We discussed it also with our attorney, Dave Previant, who likewise represents the health and welfare and the pension plan.

So altogether we were tied into a question of discussion of the renewal question of the new eyeglass and teeth plan plus the necessary discussion concerning our retired members.

Q. Mr. Hoffa, did that require many hours of discussion [fol. 7310] between you and Mr. Dorfman?

A. Off and on it took a considerable amount of time because of the small geographical area such as this area here in Chattanooga. When you start trying to anticipate the construction of an eyeglass and dental care plan you have to anticipate what type of membership can have its

own clinic, its own laboratories, and be able to build the teeth and eyeglass as against using so-called dead-time in clinic construction that are in the various communities already built.

And it was a very tedious discussion because of the figures and because of the numbers of people who had been consulted and what we had to do in the overall plan.

Now, the end result of that discussion was that when we completed the negotiations of the master nationwide contract before I came here, we were able to use that information in the negotiations and we now have putting into effect of February of this year, eyeglass and teeth for all our members and their children throughout the entire United States.

Q. Was that program formulated part of it during the Nashville trial?

A. This was a 12-month overall discussion, but it was becoming to accumulation of a final decision on what we were going to do with these various figures and composite information we had gathered from all those people and Allen was the one who was coordinating and putting it [fol. 7311] together so I would understand when I went in front of the employers and trustees as to where we were going. It was a long, tedious problem.

[fol. 7312] Q. Did Ed Partin in any way contribute to any of these discussions or to any other International Union business that you had there?

A. Well, of course, he would have no right to be there. He was not an International officer nor was he any trustee of any plan.

Q. Did you invite Ed Partin up on any business for you, Mr. Hoffa?

A. No, sir. When Ed Partin called I think the conversation will reflect it, he was the one who requested the meeting because of his own personal problems as I explained without going into it again and he came there.

He kept coming back repeatedly, not at my request or any insistence but because he realized he was in serious

problems and trouble both legally and with the International Union to where he wasn't going to be an officer much longer unless he corrected what he was doing.

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[fol. 7316] Q. Mr. Hoffa, do you know whether or not in January of this year, shortly before this case came to trial, whether or not Edward Partin called any strikes without authority of the International Union?

A. He called two such strikes.

Q. How did you first become aware of the fact that he had called such an unauthorized strike?

Mr. Hooker: We object to that.

Mr. Berke: I think that is material, if Your Honor [fol. 7317] please.

The Court: All right.

Mr. Berke: It shows the—

The Court: (Interposing) Proceed.

A. I was in Chicago, Illinois, at the Edgewater Beach Hotel negotiating a master agreement and Tom Owens, who is the director of my construction division, called the Chicago office or the Chicago hotel, informing me that he had a wire and read me the wire over the phone for instructions.

After receiving the wire and the content I notified him to tell Partin by wire and by phone to immediately return those people to their jobs because we had an agreement with the construction industry that where it affects more than our single trade that we will sit down with all of the trades in the building trades council before they are out of work because of a picket line we would establish and I took that procedure and wires went to Partin, to the building trades and to the construction employers council alerting them that we were not supporting the strike and ordering the people back to work.

Q. Mr. Hoffa, the marshal now will hand you some telegrams there, sir. I wish you would examine those and I believe they occurred in January, 1964.

Tell us what those telegrams are and what you did about them.

[fol. 7318] A. First of all, this is a telegram from Mr. James L. Gill, Manager.

Mr. Hooker: May we see them, if Your Honor please?

The Witness: Beg your pardon?

The Court: All right, allow—

Q. (Interposing) Do you identify those as being telegrams?

A. Yes, sir, it's two telegrams to myself.

Q. Just a minute. We will file them for identification and let Mr. Hooker see them.

A. Oh, excuse me.

Mr. Dale: 219, Your Honor.

Mr. Berke: File them collectively, Mr. Clerk.

Mr. Dale: Collective 219.

(The telegrams referred to above were marked Def. Hoffa's Coll. Exhibit No. 219 for identification only.)

Mr. Hooker: We think these telegrams, if Your Honor please, are completely irrelevant to this inquiry. They are dated after the—

The Court: (Interposing) Let the clerk see the telegrams.

Mr. Hooker: January, '64, one of them at least.

Mr. Berke: Before he came here to testify, Your Honor, and it deals with the trusteeship, if Your Honor please. We [fol. 7319] think it is very material.

The Court: Allow them to be introduced.

Mr. Berke: We would like to introduce them in evidence.

The Court: All right.

(The telegrams previously marked Def. Hoffa's Coll. Exhibit No. 219 for identification were received in evidence.)

By Mr. Berke:

Q. All right. Just give them back to Mr. Hoffa. Now, Mr. Hoffa, will you please explain those telegrams, sir, what they are and what you did about them?

A. Telegram addressed to myself is from Mr. James H. Gill, notifying us that a strike had been called at Tidewater Construction Company on a Crown-Zellerbach project; the second telegram came from the Tidewater Construction Company, James W. Rushing, also notifying us that the job had been struck and requesting a—, stating also he had placed in the mail a letter to us giving us, our organization, the complete outline of the problem at that particular project and requesting that the local union follow the grievance procedure of the local agreement. In return—

Q. (Interposing) Mr. Hoffa, if you will, please, give us the dates of the first two telegrams that you read, sir.

A. Yes, sir. The 15th, I can't—, the date is blocked off. [fol. 7320] Here it is.

Q. 15th of January?

A. January 15th. We received it in our office.

Mr. Neal: What year?

Mr. Berke: 1964.

A. Both of the telegrams and the return, the wire went from my office on January 17th.

Q. Mr. Hoffa, on that telegram of January the 17th, 1964, was that a telegram that you sent to Mr. Partin?

A. Under my instructions this telegram was sent, yes.

[fol. 7321] Q. Will you read that telegram to the jury, sir?

A. "Mr. E. G. Partin, Secretary Teamsters Local Union No. 5, 1675 Airway Drive, Baton Rouge, Louisiana.

"You are instructed to order your members back to work immediately. Cease picketing at the Tidewater Construction Project. St. Francisville, Louisiana. Call me at the Edgewater Beach Hotel, Chicago, Illinois. Phone LO 1-6000 before noon tomorrow or your local union will be

placed under trusteeship immediately. Signed James R. Hoffa, General President."

Q. All right, sir. May I have that, sir? I will ask you if just prior to that time also in January, 1964, if Mr. Partin called another unauthorized strike?

A. Yes, he did.

Q. I hand you herewith two telegrams and ask you first without stating what is in there, if you can identify those telegrams as being telegrams which you received and telegrams which you sent Ed Partin?

A. Telegram I received his wire, sent to Tommy Owens who is the Director of the Construction Division which was immediately relayed to me because of the lack of authority for Owens to carry it out.

Q. I would like to file those for identification, Mr. Marshal.

Mr. Hooker: We would like to see them.

[fol. 7322] Mr. Berke: Yes, sir, we will, as soon as they are marked.

The Clerk: No. 220, your Honor.

(The telegram referred to above was marked for identification as Exhibit No. 220.)

Mr. Hooker: Same reason as stated before, if your Honor please, I don't see the relevancy of these telegrams. Apparently sent in January of this year.

The Court: Allow them to be introduced.

By Mr. Berke:

Q. I will ask you to introduce those as evidence to your testimony, sir. Now, tell us what those two telegrams are and give us the dates also, sir.

A. Received in the office on December 12, 1963. The wire went back, it must immediately follow the first one. There is no date on here that I can see offhand. But the first one is a wire from Local 406, complaining that the Teamsters Local No. 5 was striking over jurisdictional dispute.

Q. All right, sir. Did you send Mister—excuse me.

A. Excuse me. (Interposing) This was signed by Hunter Wharton, General President, and Frank Handley, Assistant General President of the Operating Engineers.

Q. All right. Did you send Mr. Partin any instructions and orders as respect to that strike?

A. Yes, sir.

[fol. 7323] Q. Will you read that telegram, sir, and read the date on it?

A. As I say, I don't find a date. I don't know why it isn't here. It should be dated with a stamp.

"Mr. E. G. Partin, Secretary-Treasurer Local Union No. 5, 1675 Airway Drive, Baton Rouge, Louisiana.

"You are hereby ordered to cease all picketing of the construction project at Peter Conn and Hart and McGowan Subcontractors and instruct your people to return to work immediately pending settlement of the dispute in accordance with procedures set forth in local construction agreement.

"You are further instructed to advise me immediately on compliance of this order. Copies of this telegram have been sent to the contractors and all other unions affected by this work stoppage. James R. Hoffa, General President." It looks like it went to Bidell and Goldson.

Here is the date, I finally found it, January 27th.

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[fol. 7327] Cross examination.

By Mr. Hooker:

[fol. 7328] Q. Mr. Hoffa, I understood you to say that you did not say to the witness Partin, well, don't worry about it too much because I've got the colored male juror in my hip pocket. One of my business agents Campbell came into Nashville prior to the trial and took care of him. And you stated you did not say that?

Mr. Haggerty: I object to that as not a quote, not similar to the question asked on Page 3283, 3284, 3285.

Mr. Hooker: Give me No. 3284 and I will read it from the record.

By Mr. Hooker:

Q. This is Mr. Partin's answer quoted directly from the record. I thought I asked you the substance of it but to get it verbatim if that is the way they want it. Page 3284.

"Mr. Steinberg as I recall was standing inside Mr. Hoffa's room with him and I went to the door and told Mr. Hoffa that I was fixing to leave and was talking to him in general. He asked me to come in. And motioned to Mr. Steinberg to step out. I pushed the door partway to. He told me at that time, I told him I thought the trial didn't look too well. When he got to talking to me, he said, 'well, don't worry about it too much.' He said, 'Because I have got the colored male juror in my hip pocket.'

"He said, 'One of my business agents Campbell came [fol. 7329] into Nashville prior to the trial and took care of it.'"

Did you say that?

[fol. 7330] A. I answered it in detail. I denied it, I deny it now.

Q. And didn't you give in detail the reason, one of the reasons that you didn't say that because before this trial you didn't know who the jury was and that couldn't have happened?

A. That isn't true. I knew that the jury had, just as well as you know, that 10 days before the selection of the jury that there was a panel released to our attorneys.

We investigated the background, the character of the prospective jurors for the purpose of using that background check in the selection of the jurors as we would like to have did with this one.

Q. Didn't you state on direct examination here this morning before lunch and give one of the reasons why

that couldn't have happened that you didn't know the names of the jurors before the trial and that Campbell could not have come down here and picked—

A. (Interposing) Well, I tell you now, that's exactly right, if there's 88 people, and I think that was the figure, 88 people, and a panel of 12 people as jurors and 4 alternates were going to be selected from it, it would be rather pathetic for anybody to think they could guess who was going to finally come out of the 88 or 80 people to sit in the jury box, wouldn't it?

[fol. 7331] Q. Is that your explanation now?

A. That's my explanation now and will be.

Q. All right, I want to ask you in that connection to look at Government's Exhibit No. 147.

A. Hand it here.

Q. The official panel that was released to the public on October 2nd, 20 days before this trial, and ask you to state if the names of Mrs. Paschal and Gratin Fields, a juror that you were talking about with Campbell and Parks, if their names are not both on that list, Mrs. Paschal I believe is on the second page and Gratin Fields on the third?

A. There's 35 people on here. If my recollection serves me right, this was published in the newspaper, 80 or 88 people, and I do see Mrs. Paschal, which is the fourth name down on the second juror list and when I look at the third juror list I find Gratin Fields, No. 6.

Q. Didn't you have that list as soon as it came out?

A. My attorneys had it and hired investigators to make the appropriate proper legal investigation required of any competent counsel, as you have done many times for an investigation to be properly able to select a jury.

Q. And the jury was selected from that list actually, wasn't it?

A. I would assume so.

Q. Yes. And you—so you did have 20 days before the [fol. 7332] trial, certainly within that a list of 35, the regular panel, the name of Gratin Fields?

A. No, I did not, my attorneys had it.

Q. Your attorneys had it?

A. That's right.

Q. But you claim that the Defendant Campbell, Larry Campbell, did not come down to Nashville and fix Edward Parks, you deny that?

A. Now, Mr. Hooker, I can't hear you when you holler. If you will just go a little slower and not holler, I will answer you. I cannot hear you the way you holler.

Q. You can't hear?

A. Not the way you holler.

A. You can't hear?

A. Not the way you were hollering, it just gets in my ear, I can't understand the words.

Q. Is there something wrong with your hearing?

A. No, it's just I am not used to people hollering at me.

Q. You are used to doing the hollering yourself at people?

A. You are not going to holler at me, now, quiet down.

Q. I say, you are used to hollering at people?

The Witness: Your Honor, when I get the question [fol. 7333] right, I will answer, not answer otherwise.

Mr. Silets: I object to this exchange.

A. You are shouting.

Mr. Silets: On the ground—

The Witness: (Interposing) It's ridiculous, shouting at people.

By Mr. Hooker:

Q. Don't you shout at people all of the time?

Mr. Schiffer: Objected to.

Mr. Silets: Objection.

A. I don't shout at people when I am having a formal discussion with them.

Q. All right, I am asking you this question, do you deny that during that 20 days that you had the name of Gratin Fields that you got in touch with Campbell and had him come to Nashville to get in touch with Parks about that juror?

A. I have now denied it twice, once in direct once on cross, and I will do it the third time.

Q. How long have you known Larry Campbell?

A. I told this jury sitting right here better than 10 years and I was responsible for him being hired on 299's payroll. There is no secret about it. We pay withholding tax and file with the government that he works for us.

Q. You knew that he was from Nashville?

A. What is that?

[fol. 7334] Q. You knew that Larry Campbell was from —born and raised in Nashville?

A. Oh, I had an understanding. He fills out a form when he comes to work for us, we have to make application to the government, I think we had that knowledge.

Q. And you did, you knew that?

A. I said I think we had that knowledge.

Q. Did you know?

A. I am quite sure—

Q. (Interposing) You know his father worked at the Andrew Jackson Hotel where you stayed?

A. What is that?

Q. Did you know Larry Campbell's father that worked at the Andrew Jackson Hotel where you stayed?

A. Made it my business to find that gentleman, shake hands with him in an elevator one day and tell him Larry is a good boy who worked for me, yes, I did, a little old man.

Q. When is the last time that you saw Larry Campbell before the commencement of this trial on October 22nd?

A. Probably at a stewards' dinner for Local 337 the previous Saturday, it wouldn't surprise me. We had all of the stewards in for a dinner with their wives, the complete 37, I was principal speaker, and I would assume he

was there, but offhand I couldn't say that for positive, but I would think so.

[fol. 7335] Q. When is the last time you had a telephone conversation with him?

A. I couldn't tell you.

Q. Now, I understood you to say on direct examination, as you stated now, that you did know Campbell but you did not know Parks?

A. I said that and I made an explanation when I came back from lunch as to the fact that Parks had drawn a check, my understanding was somewhere from '58 to '59, somewhere around the neighborhood of $70 for some activity in regards to an economic dispute we were having with an employer, I think Pure Oil, I am not quite sure, but I had not known Campbell, he was merely a symbol.

Mr. Berke: You mean Parks.

A. Excuse me, Parks, a symbol of a check, otherwise I could not have refreshed myself.

Q. Did you know that Campbell had a relative in Nashville named Parks?

A. No.

Q. Did you know anything at all about any conversation between Campbell and Parks over the telephone during this trial?

A. Did I know about it?

Q. Yes.

A. I wasn't there.

[fol. 7336] Q. Well, I say, did you know about it?

A. I did not, I was neither—I was not in Louisville and I did not know Parks, I could not have known the content or the phone calls.

Q. Now, I understood you to say that you did not know Mr.—the Defendant Tweel?

A. I said it and I say it now.

Q. Did you meet him when he was in Nashville on October 22nd?

A. No, sir, I did not, not even your witness said I did.

Q. Mr. Dorfman didn't introduce you to him?

A. Mr. Dorfman did not introduce me and I don't know except what he testified here his business with Mr. Tweel.

Q. You didn't see him?

A. I said I didn't.

Q. And you deny that you said—

A. (Interposing) Just a moment. Don't say that now, that's not what I said this morning to this jury and I don't like to be misquoted. I said I would not have known him from any one of a hundred people in the lobby if he would have been there.

Now, don't get it put any that I didn't see him. I may have saw him, as I saw hundreds of people in the lobby coming and going in and out, but so far as knowing him, I [fol. 7337] did not know him.

Q. Well, you didn't see him to know him?

A. That's right.

[fol. 7338] Q. Yes. Now, didn't you say to Partin that, "Oh, yes, Tweel is down here to help us, down here to help me"?

A. I explained to you that this happened on the 23rd, checking the transcript and the hotel records you gave here that I was tied up with my—no, I think the 22nd it was —he came in there after 12:37, Partin checked in, that I was tied up with my lawyers and I discussed the question of my lawsuit and did not meet Partin or anybody else until I had my lawsuit underway.

Q. Did you know the relationship that existed between Tweel and Dorfman?

A. No, sir.

Q. Did Dorfman ever discuss with you his friendship with Mr. Tweel?

A. Couldn't tell you. I had many discussion with him. He may have discussed it with me somewhere in a slight way, I don't know the name then and now did not ring a bell as to any prior conversations; however, I have many

conversations with many people and I don't want to get tied down that he didn't somewhere mention a word "Tweel," I don't know.

Q. Did Mr. Dorfman—did you talk to Mr. Dorfman on the first day of this trial, October 22nd, the first day of the trial at Nashville?

A. My recollection is that you said Dorfman got in at [fol. 7339] one o'clock in the morning; his recollection is he got in at 10:30 or 11. That Tweel—I think it was Dorfman's recollection he got in at 11, it was both of their statement that they met slightly and neither Dorfman nor Tweel—and I testified today they gave me the records the following morning—that's what I testified to this jury for.

Q. Did you see them both at the courthouse on the morning of the 22nd?

A. Did I see them at the courthouse?

Q. Yes.

A. I did not. I was very busy taking care of Hoffa, as I am trying to do here.

Q. Did you talk to Mr. Dorfman that day about his friend, Mr. Tweel, being here?

A. I did not.

Q. Did Mr. Dorfman ever mention to you that Mr. Tweel had been there?

A. Not to my recollection.

Q. You have no recollection of that?

A. I have no recollection. I don't try to recall what happened in '62 unless it is a very vital question or I can have a research of some record to prove it.

Q. You don't remember any time during the trial Mr. Dorfman mentioning Mr. Tweel's name?

A. I don't recall him ever mentioning Tweel's name and [fol. 7340] I would not try to fool this jury or you that I can remember that far back who all I talked about during that trial, I couldn't do it.

Q. You have no recollection of it now?

A. I do not.

Q. All right.

A. And I don't have no recollection then.

Q. How long have you known the Defendant Ewing King?

A. As I stated, somewhere in the neighborhood of ten years, rather personal the last three years when he was president of the local union, that's what I said.

Q. Was he a subordinate of yours when he was president of the local union?

A. Nobody is a subordinate of mine except those who work directly for me and he was a local union president with autonomous rights and an associate.

Q. Is his union a member of the council you referred to?

A. Southwest or Southeastern part of the Southern Conference.

Q. Did you or not, in connection with your relationship with Mr. King, come to Nashville last summer and make a speech in his behalf?

A. I certainly did. I did everything I could humanly to do to get Ewing King elected and if it wasn't for the government he would have been elected.

[fol. 7341] Q. Did you know, did you ever have Mr. King up east somewhere in connection with an election up there during the summer?

A. I certainly did. I had him in Philadelphia Local No. 107 because he worked for a truck line that had a terminal in that city. I was endeavoring to win an election. And I brought him in there to talk to his former acquaintances that he had became friendly with when he pulled in and out of Philadelphia as a highway driver. I certainly did. Super Service Freight Company is the name of the company.

Q. Now, when you got into Nashville on the 21st, Mr. King met you at the airport, did he not?

A. Yes, sir, as I testified he did and picked up Gayle, Larry and myself.

Q. Picked up the three of you?

A. Yes, sir.

Q. And then did Mr. King attend the trial of the case practically every day?

A. Mr. King was kind enough to pick us up because we had many briefcases to go to court. He assisted us in whatever way he could during the trial in the means of transportation regularly as he could possibly do being excused from some of the duties he had running a local union, yes, sir, he did.

Q. Was he there practically every day?

[fol. 7342] A. Most of the time, yes, sir.

Q. Was he in and around your suite practically every day?

A. I won't say that. He was in and out of there occasionally. I think generally I met Ewing either in front of the hotel or in the coffee shop or in the lobby as we were preparing for court. He did come back, however, in the evenings many times and see whatever assistance he could be of before he went home during the course of the trial and I think he brought his family there once. We had some pictures taken. And I attended I believe two meetings in behalf of Ewing King with stewards and membership of Local 327.

Q. Was he in and around your suite?

A. I said that.

Q. All right.

A. Wait a minute, now. Just as I said, though, don't get it that he lived there. In the mornings occasionally. In the evenings occasionally. And I believe a couple of times on the week end as I say he brought his family. Came down himself one other time and took me for a ride around the town and the union here did what Nashville, see what Nashville consisted of in the way of industry and what we had not yet organized we should organize and I agreed then if he were re-elected I would give him an organizing grant to do it.

[fol. 7343] Q. Did you talk to him on those occasions?

A. Yes, sir. Don't ride around without talking to him.

Q. Discussed matters of the trial?

A. I discussed the trial with him, I certainly did.

Q. Did he tell you that he knew Mrs. Paschal or her husband, a highway patrolman?

A. He did not.

Q. Did you know that Mrs. Paschal's husband was a highway patrolman?

A. What?

Q. Did you know that Mrs. Paschal's husband was a Tennessee Highway Patrolman?

A. I think, I don't want to be held to this because I may get my recollections mixed up with the trial here, but I think somewhere there was an article in one of the newspapers in Nashville that she was the wife of a highway patrolman. I am not quite sure but I think that was one of the news items in either the Banner or the Tennessean. I would have to check it to make sure but I think it was.

Q. Did Mr. King tell you up there at the Andrew Jackson Hotel at any time that he was going to Woodbury?

A. Excuse me. Excuse me.

Q. To see a man named Mutt Pitts?

A. Excuse me. Let me answer the other question.

[fol. 7344] Q. Yes, sir.

A. I believe on our report back from the investigator that we had investigating the prospective panel that there is where I heard that he was a patrolman. I believe that is where I got the knowledge from.

Q. That is before the trial began?

A. Yes, sir, I'm sure that is where I got the knowledge from.

Q. Did Mr. King tell you that he was going to Woodbury to see a truck driver, see a man who worked at the truck terminal named Mutt Pitts?

A. He did not.

Q. Did he tell you that after he went up there he had been to see Pitts?

A. He did not.

Q. Did Mr. King in his close association there, close association with you that you have described, did he tell you

that he was going to Woodbury to see the highway patrolman, Mr. Paschal, the husband of the juror?

A. Mr. King never told me he was going to meet any highway patrolman. However, I had many discussions with Mr. King. Whether or not he mentioned he knew a member and I understand a steward named Pitts, whether or not he ever talked about the fact he was going to meet the steward I would not sit here and tell you. I don't know [fol. 7345] because he was a member of our union. We could very well have discussed the matter of a man named Pitts. I don't know.

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[fol. 7371] Q. You ate dinner many times at O'Brien's Beefery, did you not?

A. Yes, sir, we did, many nights. Very fine place to eat.

[fol. 7372] Q. Did you go there on one occasion when Mr. Dorfman went with you and also Mr. Partin went with you?

A. I have no recollection of Partin going with us. He may very well have. We had always from 10, 15, 20, as high as 30 people with us, and I had no recollection of Dorfman or Partin but both could have been, put it that way.

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[fol. 7376] Q. You do not. All right. Now, Mr. Hoffa, did Mr. Partin call you in January of this year?

A. I couldn't tell you, frankly, I don't know. If you have got a receipt I will tell you. If you had told me I could have checked my office, they could tell me, I don't know.

Q. Did Mr. Partin ever at any time before the commencement of this trial tell you that he was going to testify in this case?

[fol. 7377] A. Are you kidding? Of course not, not to my knowledge.

Q. Well, did you hear two witnesses that you offered here swear that he called you on the phone and said that he would be here to Chattanooga to testify if you called off the strike in Baton Rouge?

A. Say that again now.

Q. Did you hear two witnesses testify here day before yesterday, I believe it was, that you put on as your witnesses for the defense, that on two occasions that Partin called you and said over the phone that if you called off a certain strike in Chattanooga that he would be up here—I mean in Baton Rouge, that he would be up here in Chattanooga to testify?

A. I heard you vehemently deny that statement was made and I am not sitting here and telling you that it was made or not. I wasn't there, it was in Baton Rouge. I could not answer who was right or who was wrong, I wasn't there, you said.

Q. Now—

A. (Interposing) Excuse me, now. You say a telephone call to me?

Q. Right.

A. Now, I think likewise it was testified by Partin, and I have a pretty good memory, too, when I read things, if [fol. 7378] I catch up every night and don't forget them, I think likewise Partin testified here that I was traveling some place and he couldn't get ahold of me, if you recall, and he talked to my Washington office. You recall that information, that's what he told this jury.

Q. I am talking about two telephone calls that were testified to here, one by a man named Tynes and the other one, I believe, a man named Albin from Partin at Baton Rouge to you in January of 1964 in which Partin told you that if you called off the strike in Baton Rouge that he was coming up to Chattanooga to testify.

A. That is not the testimony. If you turn to the transcript, read it to the jury, they will see you are misquoting the transcript. That's not the testimony and that's not the transcript in this trial. Read it.

Q. Well, did a man named Stevick testify?

A. Now, you are getting some place. Let me tell you what he said. I think there was a boy named Bonny or something here.

Mr. Berke: Denny George.

A. Another—Denny George, Stevick and Denny George, he said, if I recall correctly, that Partin read to them a handwritten telegram and that he read the handwritten telegram then went in a partitioned wall and allegedly talked on the telephone so loud that you could hear it all [fol. 7379] the auditorium and I know that building because we own it, that you could hear all over the auditorium there because the offices are on that side and you sit about 800 people in the middle of the hall and that was how he said he had heard Partin say if I didn't call off the strike and he said he didn't know if he was talking to me or not under your cross examination. Now, that's what was really said to this jury. Now, don't fool them. Read the transcript and see if I am right or you are right.

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[fol. 7385] The Witness: Mr. Hooker, may I read a line that I left out so you will have a complete re[illegible]d?

By Mr. Hooker:

Q. Yes, sir. I was just looking to see if everybody was here, Mr. Hoffa. Now, yes. Read whatever you want to.

A. I made a statement that this was between a partition and I didn't see it. I made it my business to borrow your transcript and find it. On the following page, 6830 and on [fol. 7386] cross examination by Mr. Neal.

"Question: Mr. Stevick, how do you know he was speaking to Mr. Hoffa? Could we get that straight?

"Answer: I do not know if he was speaking to Mr. Hoffa or not. I heard him through a partition."

And that is what I wanted to clear up because he did not talk to me. If my recollection is right, his own testimony was that he spoke to Mr. Tommy Owens in my Washington office. He did not talk to me. He talked to Tommy Owens in Washington. That is my answer here.

Q. So your answer is with reference to those two witnesses who testified here, Mr. Stevick and—

A. Mr. George?
Q. What was the other one's name?
A. Mr. George.
Q. Dortch?

Mr. Berke: Mr. George.

By Mr. Hooker:

Q. Mr. George, that in January of this year, you did not have any telephone conversation with Mr. Partin in which he said in substance that if you called off the strike in Baton Rouge he would come to Chattanooga and testify?

Mr. Haggerty: We object to the form of the question. The question is predicated upon that your answer to these questions, which is an improper question.
[fol. 7387] The Court: Well, restate your question.

By Mr. Hooker:

Q. My understanding is that you say that you did not have any conversation with Mr. Partin in January on two occasions in which he told you that if you called off the strike in Baton Rouge that he was coming to Chattanooga to testify?
[fol. 7388] A. I have no recollection of any such conversation. If it took place and based upon Partin's testimony which I don't know whether you can believe or not, it must not have happened. I believe he had talked to Owens in Washington rather than me at the Edgewater Beach Hotel in Chicago.
Q. Did what? I didn't hear the last remark.
A. I say I believe Partin talked to Owens in Washington rather than myself as the wire requested talk to me at the Edgewater Beach Hotel in Chicago.
[fol. 7389] Q. But you had no conversations with him in January?

A. As I say, I have no recollection of any conversation in January, if it took place I cannot recall it taking place, it may have.

Q. All right. Now, Mr. Hoffa, when did Mr. Partin get to Nashville in relation to the trial of the Test Fleet case?

A. According to his testimony he arrived there in Monday afternoon or—I think it was 12:27, wasn't it?

Q. Well, actually I think he said he got there on Sunday.

A. I don't think he said that, I think he said he got there at 12:27 on Monday.

Q. Well, did you see him that day?

A. I do not recall seeing him that day, the following day or the following day because I told you, I told the jury that I had closeted myself with my attorneys for the purpose of making sure that the preparations for my case in the initial state was in proper order.

Q. You were in Nashville from October 21st, 22nd, whenever you got there?

A. Some 63 days, including Saturdays and Sundays.

Q. Almost continuously until December 23rd?

A. Except on weekends, I believe, Mr. Hooker:

[fol. 7390] Q. I understand.

A. I went in and out.

Q. The rest of the time you were there every day?

A. I was required by Court to be there from Monday to Friday.

Q. Give me the exhibit of Mr. Partin's hotel bill.

A. I think he was there 31 days out of 63, I think I checked it the other night.

Mr. Berke: I think, Mr. Hooker, you will find that the 22nd is correct and that your memory is not too good about it.

Mr. Hooker: All right. I stand corrected, Mr. Berke, you are probably right about that.

Mr. Berke: That's right.

Mr. Hooker: I wasn't making any point of it anyway. Well, I don't care.

Mr. Berke: Trying to explain the infallibility of memory.

By Mr. Hooker:

Q. Mr. Hoffa, I don't care to ask you about these bills if you have already checked them. You say you have checked them and how many days was Mr. Partin in Nashville during the trial of this case?

A. I would estimate 31 days out of 63 possible days that he was there in the total period.

[fol. 7391] Q. And how many times did you see him?

A. I could not tell you.

Q. Can you give the jury any idea?

A. No, sir, I wouldn't attempt to. I told you it may be on a sporadic basis, but I cannot tell you and be honest with this jury that I could tell you what day I saw him, what hour or where I saw him, except I do know that in preparation of my case at the beginning of the case I would look up my attorneys and would take care of my business as I intended to do in preparation for the Court.

Q. I want to ask you, Mr. Hoffa, if you heard various lawyers testify here?

A. I beg your pardon, sir?

Q. I want to ask you if you heard various lawyers testify here in the absence of the jury about the number of times?

Mr. Schiffer: Objected to, your Honor, at this time. If there is anything that Mr. Hooker wants to refer to outside of the presence of the jury—does he now want to bring everything in—if he wants to bring everything in that the jury has not heard, let's introduce the whole thing.

The Court: Sustain the objection.

Mr. Hooker: Well, I want to be deferential with your Honor's ruling. This would be in reference to the number of times that Mr. Partin—

[fol. 7392] Mr. Schiffer: (Interposing) Object to anything of reference which is prefaced that way.

The Court: Sustain the objection.

By Mr. Hooker:

Q. Did Mr. Partin ever on any occasion keep the door to your suite?

A. I believe I testified to that on direct that there did come a time after we found somebody prowling our rooms at night that we made arrangements to have Partin for a few evenings at the door outside so nobody could overhear our conversations with myself, my attorneys, and I believe I said later on Chucky O'Brien replaced him.

Q. Did you ask him to stay there at the door?

A. I could have, Steinberg could or anybody could have, I couldn't tell you that, who did.

Q. Now, I want to ask you in connection with a conversation Mr. Haggerty (Berke) has asked you about most of them and I understood that on each occasion that you denied the statements that Partin had attributed to you?

A. I do.

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[fol. 7399] By Mr. Hooker:

Q. Now, Mr. Hoffa, did you see Mr. Partin at any time after the trial of the Test Fleet case in Nashville?

A. Do you mean after the 23rd?

Q. Yes, sir.

A. I don't think I was back in Nashville until I came back for Ewing King to the best of my recollection after that trip.

Q. Did you see Mr. Partin in Washington, D. C. on [fol. 7400] February 6, 1963?

A. I may have. I know he said he visited Bufalino there. He may have dropped in and seen me. I have no recollection of it. I would not either confirm or deny. I don't know.

Q. Did you see him in your office there and tell him that he was talking too much?

A. You had a telephone conversation, that is where you got that out of.

Q. No. I'm talking about in person.

A. Not to my recollection. You are talking about the Washington office, February the 12th?

Q. February the 6th, 1963.

A. The sixth? I would not try to recall any conversation but I did tell Partin many times that he was talking too much for his own good and rounding up the members, trying to keep them separated rather than have a cohesive union, I told him that in Nashville when I had the big blow-up with him.

Q. You said you did tell Partin many times that he was talking too much?

A. I told him he was talking too much to his membership and dividing them, that is what I said. But I was not in Washington as to my recollection. It was when the blow-up came in Nashville and I told him to get his membership [fol. 7401] back together and spend his time there running the local union and not galavanting all over the country and having trouble.

Q. And that occurred in Nashville during the trial?

A. This is my recollection.

Q. Did you tell him that he was talking too much for his own good or for your own good?

A. Don't you worry about my good. Let the trial take care of itself.

Q. And you deny that you—, or do you deny that on February 6th in your office in Washington that you said to Partin that he was talking too much?

A. Mr. Hooker I'm aware of the Anderson name, Andy for short, that you had with your informer concerning Mr. Sheridan's conversations in the period between the time that we had our trial in Nashville and the time it came here because it just has been published by a reporter that is right in this room as to what you people did in regards to the question of Mr. Partin and yourselves and Mr. Sheridan in trying to frame me.

Q. Well, will you answer the question?

A. You give me the question.

Q. Did you say to Mr. Partin in Washington in your office on February 6th, 1963 after this trial in Nashville had been concluded that he was talking too much?

A. I told you I had no recollection of even meeting [fol. 7402] Partin there and if I recall correctly, now that you refresh my memory, Partin did not testify from this stand as to this jury he met me. If I recall rightly he said he waited half a day to see Bufalino. And that he saw Bufalino, discussed his problem with him, and ultimately wound up over at Brad Williams' office in which Bergan, the big fellow who sat here, and discussed his problems with Ray Bergan. He never did say from this witness stand to my recollection that he ever met me or talked to me in Washington. I think the jury can recall that now. You just refreshed my memory.

Q. Do you deny that you talked to him on February 6th, 1963 and told him that he was talking too much?

A. I tell this jury and I tell you that I couldn't tell you who I talked to or what I said on February 6th of 1963 if my life depended on it, not move out of this chair, I couldn't tell you that. Unless, excuse me, unless I made a memorandum and I can refer to that memorandum in the file dealing with Local No. 5, I couldn't sit here and honestly tell you what I said to anybody on that date, anybody.

Q. We want to limit it to February 6th; did you at any time after this trial in Nashville see Partin and tell him that he was talking too much?

A. I don't think I—, I want to make a statement and observation, now that you keep refreshing my memory, I think Partin came to Nashville on three times between [fol. 7403] 1962 and the end of 1963, and I think he started to testify here and was stopped, he came to see Jimmy Morrison, a congressman from his district, and simply dropped over to the Internationl Union I believe to have lunch in the cafeteria.

And we discussed his local union problems and I think he sat on the couch in my office but I do not recall the total content of that discussion. Now that I think about it.

Q. Well, I want to ask you again, do you deny that you told him that he was talking too much? That either he or somebody else was talking too much?

A. I told you that I have no recollection of any conversation that far back with any person unless I made a memorandum as I have here to refer to, I just couldn't do it. I do not believe I talked to Partin whatsoever other than concerning his local union. That is my personal opinion. Why do you think that I knew he was an informer for you at that time?

Q. But you don't deny it? You just don't remember, is that it?

Mr. Silets: Your Honor, that has been asked and answered four times.

The Court: Sustain the objection.

Mr. Hooker: If Your Honor please, we want to go further into the matter that Your Honor excluded. We would [fol. 7404] like to discuss that matter with Your Honor in the absence of the jury before we conclude this cross examination. That is about the testimony of the lawyers.

The Court: Ladies and gentlemen, step out.

(Thereupon, the jury of 12 and 4 alternates were excluded from the courtroom and in their absence the following proceedings were had, to-wit:)

Marshal Mansfield: Let's have order in the court please. [fol. 7404A] Mr. Hooker: What I wanted to ask you, if your Honor please, was on the question of how often and to what extent Mr. Hoffa saw Mr. Partin. If he didn't hear Mr. Haggerty testify and I am not undertaking to read all of this. Just enough of it to get the matter before your Honor.

"I didn't actively participate in the selection of the jury at Nashville but I was present in Mr. Hoffa's suite in the living room of that suite when it was being discussed by other attorneys and Mr. Partin was present.

"Mr. Jake Kossman said, on Page—

The Court: (Interposing) I don't believe that would be a proper line of inquiry, Mr. Hooker.

Mr. Hooker: Just one other, your Honor. I saw him continually in the place where the International Teamsters keep what we considered was their office as well as our living quarters. He was very often in Mr. Hoffa's room. He was continually.

Was he in and about the hotel room that you have spoken about? Mr. Hoffa's room when certain jurors were being discharged only from that particular jury I would say generally, yes, and same all the way through with a number of others.

The Court: Sustain the objection.

Mr. Neal: Your Honor, before you act finally on that may I point out that this defendant put these witnesses on [fol. 7405] the stand to testify in his behalf. He was here. He heard them.

The Court: We are not going into what all he might have heard somebody testify. Sustain the objection, gentlemen. Let's proceed.

Mr. Hooker: No further questions.

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[fol. 7408] William Eugene Bufalino, a witness called at the instance of the Defendant Hoffa, being first duly sworn, was examined and testified as follows:

Direct examination.

• • • • • • •

[fol. 7412] By Mr. Haggerty:

Q. Now, prior to October, 1962, did you know Partin?

A. I did not know Edward Partin prior to October of '62.

Q. Did you meet him in October '62?

A. Yes, I believe it was in October that I met him, yes.

Q. And under what circumstances and where did you meet him?

A. I met him in my room at the Andrew Jackson Hotel in Nashville, Tennessee, where he came up and introduced himself, told me he was Ed Partin from Baton Rouge,

Louisiana, he might have mentioned the local union number, and I introduced myself, telling him that I was the president of Teamsters Local 985. He seemed to know who I was.

Q. Now, do you recall the day of the month in October of 1962 that Mr. Hoffa came to Nashville?

A. Yes, I do.

Q. What day was it, Mr. Bufalino?

A. I would like to place it in relation to the date that I went there. I had been there several weeks and possibly several months doing investigative work and in preparation for the trial that was scheduled for October, and I went there on a Friday, I believe on the 19th of October.

Mr. Hoffa came on a Sunday, the following Sunday, and [fol. 7413] at that time when I went there I had made reservations for the suite that we thereafter occupied, in other words, the hotel held those rooms for us, which were 736, 740, and 742. Mr. Hoffa stayed in 736 and 40 was between us, 38 and 40 is the combined room, and I was in 742.

Q. Now, prior to Mr. Hoffa coming to Nashville, did you do anything about setting up an office of the International?

A. Yes, I did.

Q. What did you do, Mr. Bufalino?

A. I talked to Mr. Womble, who was the manager. He appeared here before this Court and jury, and I talked to Mr. Womble with reference to setting up an office for the attorneys and also one for the International Union, so next to 742 in that wing of the hotel was Room 744, which was used for the girls that we hired there, I believe there were some Kelly girls that we hired to do the typing for the attorneys and we set up—we set that up as an office and also set up Room 744 as the office which would be the field office for the International Union, which would be primarily occupied by Mr. Steinberg and Gayle Wesmey.

At that time we got all the equipment, cabinets, files, typewriters, and whatever was necessary to set up the field

office and also an office which was the legal office for the assistance of the attorneys working in the case.

[fol. 7414] Q. What is your best recollection of the date in relation to October 21, 1962, that you met Ed Partin?

A. That I met Ed Partin?

Q. Yes. Can you fix that?

A. I would say it was on the following Monday after the 19th.

Q. Now, I have here a series of pictures that I will ask you to examine. Without saying what they are at this time, just examine them.

A. Yes, I have examined them.

Q. Are you familiar with those pictures?

A. I certainly am.

Q. Do those pictures truly represent the objects pictured?

A. They certainly—yes, they do.

Mr. Haggerty: Will you have them marked, please?

Mr. Dale: Do you want them marked separately?

Mr. Haggerty: Please.

Mr. Dale: No certain way?

Mr. Hooker: Then may we see them, Mr. Haggerty?

The Witness: In that order.

Mr. Dale: All right. We will start with 221, your Honor.

Mr. Haggerty: They are in a series, if you can keep them that way.

[fol. 7415] Mr. Dale: I will keep them that way. Through 228.

The Court: Through 228?

Mr. Dale: Yes, your Honor.

(The photographs referred to above were marked Defendant Hoffa's Exhibits No. 221 through 228, inclusive, for identification only.)

[fol. 7416] Q. Does the photograph marked for identification as Exhibit No. 221 truly identify the object pictured?

A. Yes, it does.

Q. Are you familiar with the object pictured?

A. I am.

Q. What is the object pictured?

A. It is a picture, this picture, it is a photograph of three doors and in the hallway on the seventh floor of the Andrew Jackson Hotel, Nashville, Tennessee, and it displays the numbers, 736, 740, 742. And those are the rooms that—, this is the outside of the rooms that were occupied by Mr. Buffalino and I. Correction. Mr. Hoffa and I.

Mr. Haggerty: Offer in evidence Exhibit No. 221.

The Court: All right.

(The photograph previously marked for identification as Exhibit No. 221 was received in evidence.)

By Mr. Haggerty:

Q. Now, will you take the next photograph, I think it is No. 222, will you look on the back to make certain.

A. Exhibit No. 222 is a photograph of the room No. 740 and that is with the door open and it shows the entrance-way to that suite. And this is the entrance to the suite going into the left, you would be going into Room 742 which would be my room. And as you go forward you would be going into the suite part and you go all the way [fol. 7417] in you would be going all the way into Mr. Hoffa's room which would be around to 736.

Q. If you will, return those, please. I hand you the Exhibit No. 227, or rather No. 223 and No. 227, and ask you to examine them and if you can identify the object pictured in the photograph.

A. Yes. Exhibit No. 223 is a photograph of that same hallway but closer to the suite part of the room and this shows the table, large table, circular table, with chairs around it. That is Exhibit No. 223.

And Exhibit No. 227 is a photograph of the suite taken from the inner part of the suite aimed at that same table, that circular table.

Q. Now, will you on those two photographs if you have a pen just draw an arrow pointing to that table.

A. I have a marking pencil on my desk there that I think might be of better use.

Q. Well, would that be better?
A. I have it here.
Q. All right.
A. Do you want an arrow to the table?
Q. Pointing to the table. Not on the table.
A. Well, this one here. Right here.

Mr. Haggerty: At this time, may it please the Court, I offer in evidence these two exhibits. I say No. 223 and [fol. 7418] No. 227.

The Court: All right. Allow them to be introduced.

(The photograph previously marked Government's Exhibit No. 223 for identification was received in evidence.)

(The photograph previously marked Government's Exhibit No. 227 for identification was received in evidence.)

By Mr. Haggerty:

Q. Now, I hand you Exhibits No. 226 and No. 228 so marked for identification and ask you to examine them and tell us if you can identify the objects photographed therein?

A. Exhibit No. 226 is a photograph from the inner part of the suite looking in the direction of the table.

And Exhibit No. 228 is a photograph taken from my room, Room No. 742, with the view toward looking into this suite portion of it.

Q. Looking into what would be the drawing room or the living room?

A. Into the living room portion of the suite.

Mr. Haggerty: All right. At this time I offer these two exhibits in evidence.

The Court: Very well. Allow them to be introduced.

(The photograph previously marked Government's Exhibit No. 226 for identification was received in evidence.)

[fol. 7419] (The photograph previously marked Government's Exhibit No. 228 for identification was received in evidence.)

By Mr. Haggerty:

Q. Now, I show you Exhibit No. 225 and No. 224 and ask you if you can identify the objects therein photographed?

A. Yes, Exhibit No. 225 is the inside of Room No. 742. This is the room that I occupied from, I would say, the 19th day of October, 1962, to and including the 23rd day of December, 1962, with the exceptions of the times that I went back to Detroit.

Q. And is that the interior of the bedroom which in the photograph Exhibit No. 228 pictures taken from the doorway and shows the living room of the suite proper?

A. That is exactly right. That corner of that room and this Exhibit No. 225 are the same, taken from the same room.

Q. All right. Now, as to the next picture, please.

A. Then Exhibit No. 224 is a photograph of the interior of the Room No. 736, which was the bedroom occupied by Mr. Hoffa which is a part of that suite.

Mr. Haggerty: I offer in evidence, may it please the Court, these two exhibits.

The Court: Allow them to be entered.

(The photograph previously marked Exhibit No. 225 for identification was received in evidence.)

[fol. 7420] (The photograph previously marked Exhibit No. 224 for identification was received in evidence.)

By Mr. Haggerty:

Q. Now, you have indicated on several exhibits here by arrows the table, a table, white-topped table, with chairs around it, I am referring to the Exhibit No. 223. Did you

on occasions during the months of October, November, or December, now, I trust you have got good eyesight?

A. I see just what you have, yes.

Q. Do you see that?

A. Yes.

Q. October, November, December, see Mr. Partin sitting at that table?

A. I did.

Q. Did you see him there—, did you see him there at any particular time in the night or day?

A. I would see him there in the latter part of the afternoons, in the evenings.

Q. Now, may I show these pictures for examination of the jury, your Honor?

The Court: Yes, sir.

The Witness: There is also a missing table there.

The Court: I assume also, Mr. Haggerty, you wish to introduce Exhibit No. 221 and No. 222?

Mr. Haggerty: Yes, sir.

[fol. 7421] (The photograph previously marked Exhibit No. 221 for identification was received in evidence.)

(The photograph previously marked Exhibit No. 222 for identification was received in evidence.)

The Witness: The first exhibit I entered in there, there is a missing table.

By Mr. Haggerty:

Q. Now, Mr. Bufalino, do you recall Sunday, October 21, Monday, October 22, Tuesday, October 23, as to the routine that was adopted by Mr. Hoffa?

A. Yes, I do recall that.

Q. Now, will you explain to us what routine he adopted and followed on those days?

A. I had been there as I stated quite some time prior to the 19th of October doing quite a bit of investigative

work. I had extensive files and when I went in there on the 19th and set up the offices, then the 21st, Sunday the 21st, and the 22nd, and the 23rd, the first two or three days, particularly the first two or three days, it was my duty to acquaint the attorneys and Mr. Hoffa with all of the information that I had compiled.

Information that had come from various sources that we had requested that they come in. It would be sent in from Washington and other parts of the United States. And we were occupied with the preparation of the initial [fol. 7422] stages of the trial. Sunday, Monday, Tuesday, and possibly Wednesday I would say.

Q. All right, let's start on Sunday, do you recall that Sunday afternoon?

A. Yes, I do.

Q. Do you recall who Mr. Hoffa was engaged in a conference with?

A. With the attorneys.

Q. Yes.

A. With the attorneys in the case.

Q. And do you recall that the conference was interrupted for dinner or for meals?

A. We would go—, had dinner and then back into full session that went into the long hours of the night. This didn't only happen that one night. It happened several, many, many nights then as it does here.

Q. Well, I'm only talking, Mr. Bufalino, about the first three days.

A. Yes.

Q. Now, do you recall on Monday whether or not we started to court?

A. We did go to court Monday morning.

Q. And do you recall after court where we went and where Mr. Hoffa went from court?

A. I believe we went to lunch. Our normal routine would [fol. 7423] have been to go over to Corsini's Restaurant for lunch and back to the hotel to go to work.

[fol. 7424] Q. When you say "go to work on this Monday," who went to work?

A. Mr. Haggerty—

Q. (Interposing) Well, I don't mean the lawyers. Did Mr. Hoffa go to work?

A. Mr. Hoffa went to work with the lawyers.

Q. Did the conference continue throughout the afternoon?

A. It did.

Q. Until mealtime?

A. Until mealtime and during the mealtime and after the mealtime.

Q. And after the mealtime did we return to Mr. Hoffa's suite?

A. Yes, we did.

Q. And do you recall if we worked for a short time or a long time?

A. An extended period of time, past midnight. I would believe I would say long past midnight.

Q. And did that same routine continue on the following day, the 23rd?

A. It did. And to let you know something, Mr. Haggerty, our meetings did not end when you left, we continued on talking about our matters there with reference to the preparation of the trial of the case because I stayed there [fol. 7425] with Mr. Hoffa.

Q. You made an exception because of my age?

A. No, because I was staying there.

Mr. Hooker: I object to that on Mr. Haggerty's behalf.

Mr. Haggerty: Thank you, Mr. Hooker.

By Mr. Haggerty:

Q. Now, did Mr. Partin, during the months of October, November and part of December, did you see him in Mr. Hoffa's suite on occasion?

A. Yes, I did, and in my suite, it's the same suite.

Q. In your room?

A. In my room, it's the same suite.

Q. Now, do you recall whether you saw Mr. Partin there during the time that Mr. Hoffa was discussing matters with his attorneys after the first three days?

A. Yes, I do recall that.

Q. And where did he sit in the suite?

A. He occupied himself at the circular table where I marked off the arrow, there would be a deck of cards there and he would fool around with a deck of cards and toying around and he would busy himself with getting somebody an ashtray or ask somebody if they wanted some cigarettes or move a chair from here or there or if Mr. Kossman's brief case was in the way he would move it out of the way, [fol. 7426] he just kept himself occupied.

Q. And did he stay there for a considerable period or considerable duration?

A. Yes, he did.

Q. Did this occur often?

A. Yes.

Q. Could you approximate the number of times?

A. I wouldn't want to guess but I would say 15 to 25, 30 times.

Q. All right. Do you recall if Mr. Partin on occasion went to court?

A. Yes, I do recall that.

Q. You have personal knowledge of that?

A. Yes, I do.

Q. Did he go on a few or many instances?

A. I believe I saw him there on several instances, I wouldn't say a few, I wouldn't say many, I would say several instances.

Q. Now, do you recall when Mr. Partin became a watchman outside of the door of Mr. Hoffa's suite which was closed?

A. Yes, he was a self-appointed watchman, so far as I was concerned.

Q. Did you appoint him?

A. I did not.

[fol. 7427] Q. Do you know why he was stationed out there?

A. I know now why he was stationed there.

Q. You know now?

A. Yes.

Mr. Neal: Well, your Honor, we move that be stricken. This man couldn't testify as to who appointed him. The Defendant Hoffa said either he or Steinberg or somebody else appointed him.

The Court: Let's proceed.

Mr. Neal: We are asking him to restrict his testimony to what he knows. If he didn't, that would be it.

The Witness: That was my suite.

The Court: Sustain the objection to that question and answer.

By Mr. Haggerty:

Q. Now, did you have conversations with Mr. Partin?

A. I did.

Q. Did you have any conversations with Mr. Partin at the instance of someone else, at the request of someone else?

A. I had conversations with Mr. Partin at the request of Mr. Hoffa.

Q. And how many such conversations did you have with him?

A. With Mr. Partin?

[fol. 7428] Q. Yes, sir.

A. Oh, I would say about eight or ten.

Q. What were those discussions?

Mr. Neal: Your Honor, we object to that as being irrelevant.

Mr. Haggerty: Well, I think it may be very—

Mr. Neal: (Interposing) The conversations he had with Mr. Partin.

The Court: Well, overruled.

A. Mr. Partin was having difficulties, he had explained that he had difficulties with the local union in Baton Rouge, Local Union No. 5, he had explained a series of difficulties that he had with the—run-ins that he had with the law. He explained—

Mr. Neal: (Interposing) Your Honor, we are going back over this thing again. It can't be relevant.

Mr. Haggerty: The witness is certainly entitled to testify.

Mr. Neal: It certainly—

Mr. Haggerty: (Interposing) It's right in the crucial period when Partin was there.

Mr. Neal: Mr. Haggerty, may I make my objection? I am entitled to do that, the Judge can then rule upon it. I will abide by it.

Your Honor, this has been gone into several times, it [fol. 7429] certainly—it's collateral, irrelevant and it certainly is repetitious to us all.

The Court: Overrule the objection.

Mr. Haggerty: It's not collateral, it's corroborative. What was your Honor's ruling?

The Court: I said I overruled the objection at this point.

By Mr. Haggerty:

Q. All right. You have told us two things that he talked about.

A. He explained that there were charges filed by certain individuals in the local union opposing him for mismanagement of union funds and he explained that there was a circular being distributed by—

Mr. Hooker: (Interposing) We object to that. Just a moment, Mr. Bufalino.

The Court: Sustain the objection.

The Witness: In—

The Court: (Interposing) Just a moment.

The Witness: I will skip that. He explained that the indictment that he had about six months prior to that was

caused by a person who was running the United States Senate, Saint somebody, Senate or Congress or something, and he had explained that he appeared on the television taking credit for the indictment and that the same thing [fol. 7430] was going to happen to him as happened to Cline where he had explained to me—

Mr. Neal: (Interposing) Your Honor, we object to this witness just continuing this collateral stuff.

Mr. Haggerty: It isn't collateral, this is part of his general—

Mr. Neal: (Interposing) We fail to see that.

Mr. Haggerty: What he told this man is corroboration of Mr. Hoffa, Mr. Hoffa says he turned him over to this man, called this man in first and then turned—

The Court: (Interposing) Sustain the objection to the last statement of the witness. Proceed.

Mr. Haggerty: Is that the portion in reference to Cline that is stricken?

The Court: Proceed.

By Mr. Haggerty:

Q. Well, did he state anything other than that, Mr. Bufalino?

A. He explained that he had a series of run-ins with the law.

[fol. 7431] Mr. Neal: Now, Your Honor, he is going through the same thing.

By Mr. Haggerty:

Q. You have told us that—

The Court: (Interposing) You have been over that.

By Mr. Haggerty:

Q. Does that about exhaust the conversations, generally speaking?

A. Just generally speaking.

Q. Now, in the month of November, 1962, did Mr. Partin ever tell you—

A. (Interposing) What month was that?

Q. In the month of November, 1962, did Mr. Partin tell you or make any reference to the jury that was impaneled in the Nashville case?

A. Yes, he did.

Q. And what did he say to you?

A. It was on two different occasions. And in the one instance he mentioned to me that he went to LSU, Louisiana State University, that he was—, attended LSU—, that he knew a Billy Cannon and a Jimmy Taylor and he knew this Billy Wade, knew football players, and that he thought that it might be suggested and he had suggested that maybe they could come in and shake hands with Mr. Hoffa or come into the trial and at that time I told him it was unnecessary to have anything like that, our case was based [fol. 7432] strictly on facts and on the law and I told him that, or at that time he said that he was playing football with them.

I said, "Why didn't you continue to play football?"

He said he injured his back and at that time he said he could get them to do just about anything that he wanted them to do because they carried a book in his local union, that he gave them a free union book without paying any initiation fee and that they would do just about anything that he wanted them to do and I explained to him, "If that is the case the next time you run into them you do me one specific favor, you ask them for a photograph, an autographed photograph, for my son who collects them. That is all I want you to do with them."

And in the second instance—

Q. (Interposing) All right, sir.

A. Another instance.

Q. Was that also in November of '62?

A. I wouldn't place it—, I would say November, the latter part of November or the early part of December.

Mr. Hooker: Just a moment, Mr. Bufalino. May it please Your Honor, just in the interest of time we submit that all of this is immaterial and irrelevant to this inquiry. The question is what statements, if any, were made by the defendant, not some statements already about various sub-
[fol. 7433] jects that happened to have been made by the witness. He is not asked about that.

The Court: Well, proceed.

A. In the second instance one of the times there he mentioned to me that he knew—, he had told me that he had a—, I don't know if it was dishonorable or bad conduct discharge, I don't know which one he told me, and earlier in our discussion, but at that particular time he had explained—

Mr. Neal: (Interposing) Now, Your Honor, how could this, how could this be proper?

The Court: Yes, I don't see the relevancy.

By Mr. Haggerty:

Q. Let's just get to the conversation you had with him in reference to something pertaining to the jury.

A. He told me that he knew an officer in the military service that knows somebody on the jury and he was throwing out a feeler.

Q. Well, don't go into your own opinion, just tell me what he said.

A. He then stated to the effect that, "Maybe I can get this officer to get himself a vacation and come and stay with this particular juror."

And at this time I told him that I wanted no part of it, I wanted—, I had no desire nor any inclination to do anything like it and I suggested to him that he should dispell [fol. 7434] the thought from his mind.

Q. Did he ever mention the name of the juror?

A. I think he said he was a banker.

Q. But did he ever identify him by name?

A. No, I wouldn't remember the name if he did, I think he said, "The banker".

Q. All right. Now, do you recall an instance when the defense was being put on in the Nashville trial that quite a large group of rank and file members came down from Detroit?

A. Yes, I do recall that.

Q. Do you recall that at that time you and other attorneys questioned those witnesses prior to their taking the stand?

A. Yes, I recall that.

Q. Were you one of the attorneys who questioned and interviewed them?

A. Yes, I did the interviewing and I did quite a bit of the interrogation.

Q. Now, during that time was there some writings, writing of what the witnesses had said?

A. Yes, there were.

Q. And was a record made of those?

A. Yes, there were.

Q. Now, during the time that that information was being gathered and the time that you interviewed these witnesses, [fol. 7435] was Mr. Partin present?

[fol. 7436] A. He was present.

Q. And what if anything did he do?

A. Mr. Partin was present in my room, Room No. 742 which is one of the exhibits. Particularly the one clearly in mind, I was interrogating a Lawrence or Larry Sammut, (Spelling) S-a-m-m-u-t, and at that time Mr. Partin was present. And this is the first time that I believe that I had ever met the witness himself, and I had asked him his name, address, phone number. Then other questions relating to the nature of his work.

Mr. Partin was there throughout the entire or throughout a great portion of my interrogation of this particular witness and as well as others.

And once I would jot down notes, I would then call in a girl. Dictate a memorandum. Questions and answers. In other words, the type of a question that I asked. And the type of an answer he gave me. I would ask the girl to type it up. And it was Mr. Partin who, looking in retrospect,

injected himself into these things, picking up one page as the girl would finish typing the one page, he would get it and the second one he would get it, and the third or fourth he would get it.

And then assisted in assembling the four or five different sheets that I would have and he assisted in stapling them. As we typed the statements as to the various truck drivers [fol. 7437] throughout the room, he would take them to their individual rooms on the same floor, distributing the statements to the individual truck drivers.

Q. Now, were you cognizant on the following day or days that particularly as to the witness Sammut that certain information had been transmitted to the government?

A. Yes, I knew that.

Q. Now, how did you know it?

A. On December 5th or on December 5th, 1962 the first one of the truck drivers was Lawrence Sammut and I started to interrogate Lawrence Sammut and once I got into the preliminary questions, I skipped over a series of questions and went over and stated in effect, now, Mr. Witness, I take you back to November, 1953 and with that I was interrupted by an objection from Mr. Neal.

Mr. Neal said in effect I object if Your Honor please. They are going into an entirely different area. An area that has nothing to do with this.

And I turned to Mr. Neal and I said to him, now, how would you know? What area I'm going into if I haven't even asked the question? Have you been listening to our conversations?

Mr. Hooker: We think this is utterly immaterial.

The Witness: And Mr. Neal said, I'm psychic. And at that time I said, did you say psychic or psycho and I have [fol. 7438] the transcript of that proceedings here.

By Mr. Haggerty:

Q. Have you any other instances where information obtained by this man Partin from being around or about the

lawyers that was transmitted to the representatives of the government?

A. Well, yes. The actual questions that I'm talking about was testified to by Mr. Sheridan that he received information of that nature from Mr. Partin.

Mr. Neal: Now, Your Honor, Your Honor wouldn't let us go into what these lawyers testified about the closeness of Partin and Hoffa out of the presence of the jury and yet he goes into what is testified in the presence of the jury.

The Court: Are you stating an objection?

Mr. Neal: I am objecting and I move that that be stricken.

The Court: Sustain the objection.

Mr. Neal: I think what is fair for one side is fair for the other.

The Court: Sustain the objection. Strike the question and answer.

By Mr. Haggerty:

Q. Now, do you recall that in the month of December 1962, sometime before the case came to a termination in [fol. 7439] Nashville, Tennessee that you were present at a conversation between Mr. Hoffa and Mr. Partin in reference to Mr. Partin's operation of his union?

A. I do recall that.

Q. What was said by Mr. Hoffa to Mr. Partin within your hearing and in your presence?

A. It was in my presence. There was a discussion with reference to the status of that local union, local union No. 5. Mr. Hoffa made it clear and in no uncertain terms told Mr. Partin—

Q. (Interposing) What did he say? Can you remember the language that he used?

A. Yes.

Q. Well, try to employ the language that was used by Mr. Hoffa at the time.

A. Mr. Hoffa told Mr. Partin—

Mr. Neal: (Interposing) Just a moment, Your Honor, Mr. Bufalino sits in here all during the trial. He listens to what has been said, what Hoffa says and then he gets up the so-called—

Mr. Schiffer: (Interposing) Your Honor, that is the kind of statement that should be made without the presence of the jury.

Mr. Haggerty: Just a moment, Your Honor.

Mr. Neal: So-called corroborative.

[fol. 7440] Mr. Haggerty: (Interposing) I have stated Mr. Neal has no right to argue this when it was agreed at the beginning of the trial that Mr. Bufalino would be a witness and he had a right to stay here as Mr. Durkin did.

The Court: All right, proceed.

Mr. Neal: Well, I'm objecting to these self-serving statements that come up here.

Mr. Haggerty: Nothing self-serving about it.

The Court: Proceed.

The Witness: The statements I'm making is under oath and I'm responsible.

The Court: Proceed, sir. You are an attorney and you know better than to volunteer. Respond to the question.

The Witness: Mr. Hoffa told Mr. Partin that he should stop running around chasing around all over the country with women, squandering the union funds, that he has had quite a bit of correspondence from members complaining about the management and mis-management of the union.

And he told him to settle down and fly right and if he didn't straighten that local union out he was going to straighten it out by putting it into receivership or trusteeship, I don't recall what he said.

And he said you get on it and you take care of those members. Those members put you where you are at and those members are going to take you out of there unless [fol. 7441] you service those men. Get out on the street and do the work you have been elected to do.

[fol. 7442] By Mr. Haggerty:

Q. Now, will you state whether or not Mr. Partin made a reply or what effect you saw in Mr. Partin with your own senses?

A. Mr. Partin just stormed out of the room.

Q. Now, subsequent to this exchange between Mr. Hoffa and Mr. Partin, did you have a conversation with Mr. Partin when he asked your help?

A. Yes, I did.

Q. What did Mr. Partin say to you?

A. He told me that he wanted to go—wanted me to go down to Baton Rouge, Louisiana, and meet and assist him in the trials that he had going on at that time. And I told him at that time that I couldn't do it right that week, but right after January 1st if he got in touch with me, I would be willing to oblige and glad to oblige and I would go down and do what I could.

Q. Now, getting back to the conversation between Mr. Hoffa wherein Mr. Partin stormed out of the room, could you fix to the best of your recollection the date of that?

A. I would say about a week or ten days—from the 12th to the 15th of December, 1962.

Q. That is your best recollection?

A. I would say about ten days, 10 or 12 days before it ended. I would say about the 12th to the 15th of December.

[fol. 7443] Q. Now, did you have—

A. (Interposing) It was on a—

Q. (Interposing) Did you have any conversations with any—

A. (Interposing) It was on a—

Q. (Interposing) With Mr. Partin after he requested you to come to Baton Rouge and offer him and give him assistance?

A. Yes. I believe he called me on the phone and I went there.

Q. Just a moment. Where were you when you received the telephone call, Mr. Bufalino?

A. I believe I was in Detroit or Washington. I believe Detroit.

Q. And do you know where Mr. Partin was when he called you?

A. I wouldn't know that. I would believe that he was in Baton Rouge, Louisiana.

Q. Well, you don't know, is your answer?

A. No.

Q. All right. Now, what did he say to you at that time?

A. We made an appointment. He asked me to come down to Baton Rouge, Louisiana, and I told him that I would go as far as New Orleans, and meet with him in New Orleans because there would probably have to be connec-
[fol. 7444] tions, airplane connections and so forth. And I told him that I would meet him and I gave him my flight schedule. Told him that I would meet him, that I was arriving on the night of the 7th of January, 1963, around 7:30 or quarter to 8.

Q. Now, did you accordingly go to New Orleans?

A. Yes, I did.

Q. And then after you arrived in New Orleans, you say you arrived there on the night in your prior answer, the night of January the 7th?

A. That's right.

Q. When in relation to January 7 did you first see Mr. Partin?

Mr. Hooker: We object to that as immaterial.

The Court: Well, I am unable to determine. Let's proceed.

The Witness: At night that he was supposed to meet me, he was not at the airport. And I had him paged. And a tall, thin individual about 10 or 15 minutes later after the page, I stayed near the desk. I was supposed to meet him near the airline desk.

The Court: This does appear to be immaterial. Sustain the objection.

Mr. Haggerty: Well, that is not material.

The Witness: That is material.

The Court: Well, now, Mr. Bufalino—

[fol. 7445] Mr. Neal: (Interposing) Your Honor, Mr. Bufalino—

The Court: (Interposing) Are you acting as an attorney now or witness?

The Witness: No, your Honor, I am a witness.

The Court: All right.

By Mr. Haggerty:

Q. Well, what hotel did you go to when in New Orleans?

A. I went to the Roosevelt Hotel.

Q. And do you recall when in relation to your going to the Roosevelt Hotel that you first saw Mr. Partin?

A. I believe I saw him the following morning on the 8th.

Q. In addition to Mr. Partin, was there anyone else present when you saw him?

A. I believe I saw him and shortly thereafter I met with his attorney, he and his attorney, Ossie Brown.

[fol. 7446] Q. Was there a conversation had at this time?

A. Yes, there was.

Mr. Hooker: Object to that.

By Mr. Haggerty:

Q. What was the subject matter of the conversation?

A. We talked in my room with reference to the International constitution and particularly about withdrawal card and the basis for the one indictment on forgery.

Mr. Hooker: Now, if your Honor please, are we going to try this case? We submit that it's irrelevant and immaterial.

Mr. Haggerty: I say it is entirely relevant.

Mr. Hooker: Collateral matter.

Mr. Haggerty: It's shortly after the period.

The Court: Proceed.

Mr. Haggerty: It's associated back to the dates of December.

By Mr. Haggerty:

Q. Now, what else was talked about, who was his attorney, by the way?

A. Ossie (spelling) O-s-s-i-e Brown. And shortly after that we had a brief discussion on that and Mr. Brown left, he had another appointment and he left and we continued our conversation. We had lunch that afternoon and then we continued our conversation.

[fol. 7447] Q. Now, did you have any discussion about appearing before a grand jury?

A. Yes, there was a discussion.

Mr. Hooker: We object to that.

A. There was a—

The Court: (Interposing) Overruled.

A. There was a discussion that—this is what Mr. Partin told me, that there was some kind of trouble or a fight on the picket line of the Louisiana Creamery the night before or two nights before or a short time before and that there was a grand jury and that he, Mr. Partin, had—was in an automobile, he had nothing at all to do with this, as he told me.

Mr. Neal: Your Honor, Mr. Daniels deny he was acquainted with what we are going into?

Mr. Haggerty: Just a minute. It leads right up to something else, it leads—

The Court: (Interposing) Are you talking about the grand jury in Nashville or grand jury in Louisiana?

Mr. Haggerty: No, a grand jury in the State of Louisiana at Baton Rouge, a state grand jury where he discussed the Fifth Amendment. I can't make it any plainer, which he attributes to Mr. Bufalino's advising him.

The Court: I believe I will sustain that objection if you are talking—I thought you were talking about the Nashville grand jury, sir.

[fol. 7448] Mr. Haggerty: No, no, I am not talking about a Nashville grand jury.

The Court: Sustained.

Mr. Neal: How far afield are we going into this thing?

By Mr. Haggerty:

Q. Was there any discussion with Mr. Partin at the Roosevelt Hotel in New Orleans in reference to the Fifth Amendment?

A. Yes, there was.

Mr. Hooker: We object to that.

Mr. Haggerty: I am certainly entitled to show that, he said Mr. Bufalino advised him.

The Court: Well, is this relating to the Nashville grand jury I will allow you to ask him, but I understood you to say it's relating to New Orleans, I mean to Baton Rouge.

Mr. Haggerty: It is relating to both grand juries.

The Court: Well, if it relates to the Nashville case, I will allow you to ask the question, but not with reference to—

Mr. Haggerty: (Interposing) May we suspend at this time, your Honor?

The Court: No, sir, let's proceed.

Mr. Haggerty: Well, how late are we going to run?

[fol. 7449] The Court: Let's proceed and see how much longer.

A. Yes, there was a discussion about the Fifth Amendment.

Q. And was it discussed in reference to possibly his being a possible witness in the Nashville case?

A. We did not talk, not talk about the Nashville case at that time.

Mr. Neal: There, your Honor.

A. There was no discussion about the Nashville—

Mr. Neal: (Interposing) Counsel just said it contained both the Nashville and New Orleans case.

Mr. Haggerty: I so understood.

The Court: Let's proceed to some other matter then.

By Mr. Haggerty:

Q. Did he discuss with you other matters other than union matters, Mr. Partin, did he discuss with you in New Orleans matters other than union matters?

A. He discussed union matters and the matters that occurred and he was asking me concerning whether or not he should testify and I told—

Mr. Neal: (Interposing) I—

Mr. Haggerty: (Interposing) Just a moment, Mr. Bufalino.

Mr. Neal: I know Mr. Bufalino is awfully eager to [fol. 7450] testify, your Honor, but he should wait until we make our objection.

Mr. Schiffer: I wish the prosecutor would stop taking the attitude he does before the jury, your Honor, it's all calculated to try to prejudice the jury.

The Court: Let's proceed. I believe we are getting into irrelevant matters.

Mr. Berke: Let me call the Court's attention to this, if Mr. Partin testified that Mr. Bufalino gave him some advice about the Fifth Amendment somewhere then he would have a right to show that it was given on another matter, in other words.

The Court: Let's stay on this lawsuit, gentlemen. Let's talk about this lawsuit.

By Mr. Haggerty:

Q. Leave from your mind the Fifth Amendment before some other grand jury, Mr. Bufalino. Did he discuss any other matters with you other than union matters?

A. None that I recall.

Q. All right. So your entire discussion with him involved for the purpose of materiality ruled by the Court, you just discussed union matters with him?

A. I discussed union matters, all of his troubles with the law, and I believe the Court doesn't want me to talk about those.

[fol. 7451] Q. Well, what about the law did you discuss with him?

A. He told me—

Mr. Neal: (Interposing) We object.

Mr. Hooker: We object to it.

The Court: Well, we are going right back into the same area we are in, let's get down to this lawsuit.

Mr. Haggerty: All right.

By Mr. Haggerty:

Q. Now, you returned—mark this one.

Mr. Dale: 229, your Honor.

(The envelope and hotel registration referred to above were marked Defendant Hoffa's Exhibit No. 229 for identification only.)

By Mr. Haggerty:

Q. There is handed to you two papers marked with the number for identification. Can you identify them without telling us the contents as to what they are?

A. Yes. This Exhibit No. 229 is an envelope and a photo copy of a bill that purports to be the bill that was charged to me while I stayed at the Roosevelt Hotel from the 7th to the 10th of January, 1963.

Q. On the occasion that you saw—

A. (Interposing) Mr. Partin, yes.

Q. Now, while you were in New Orleans, were you asked by Partin to go to Baton Rouge?

A. Yes, I was.

[fol. 7452] Q. Did you go to Baton Rouge?

A. I did not.

[fol. 7453] Q. Now, it has been testified by Mr. Partin in this case that in February, 1963 he visited your office, he visited your office in Washington and that he had a talk with you and you gave him a printed or a typewritten card and told him to copy it. And that was the way to take the Fifth Amendment. And advised him to take it. Is that true?

A. That is absolutely false.

Q. Did you see him at your Washington office in February?

A. I did not see him in my Washington office in February at all.

Q. Now, on the occasion did you give him any advice to take the Fifth Amendment?

A. On that occasion?

Q. Yes.

A. That is one occasion that did not exist. It couldn't exist and I never—, I had not given him any such advice.

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[fol. 7484] February 26, 1964

The Court: It is the opinion of the Court that the motion on behalf of all defendants to require the government to disclose any additional recordings, filed on February 24, 1964, should be overruled.

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[fol. 7495] Cross examination.

By Mr. Neal:

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[fol. 7519] Q. Isn't it a fact, Mr. Bufalino, that Edward Partin, the witness here, was in and around Mr. Hoffa's suite?

[fol. 7520] Mr. Branstetter: May it please the Court, I want to object. May it please the Court, I understood the Court just ruled that unless everything goes in that was not heard that none of it is going in.

The Court: No, gentlemen, I sustained—, I wasn't able to see the relevancy of the matter. Let's go ahead.

Mr. Neal: Was my question improper?

The Court: Proceed. I'm unable to determine at this time.

By Mr. Neal:

Q. Mr. Bufalino, you saw the Witness Partin in Mr. Hoffa's suite during the Nashville trial on several occasions, did you not?

A. I did.

Q. Pardon me?

A. I did.

Q. Would you say numerous occasions?

A. I said yesterday, I wouldn't say few. I won't say many. I won't say numerous.

Q. You say several?

A. Now today I say not numerous. I said on several occasions.

* * * * * * *

[fol. 7527] By Mr. Neal:

Q. Now, Mr. Bufalino, you testified, I believe, that Mr. Partin was present when you gave him some witnesses, some questions and answers for them to go out and study. Is that correct? During the last trial?

A. No, I did not testify that.

Q. Well, you said you interviewed them and you listened to their answers then you wrote out questions and answers and made several copies and gave to some of the witnesses who were going to testify?

A. That is not what I testified.

Q. Pardon me?

A. That is not what I testified.

Q. Well, in the last trial didn't you testify just yesterday, sir, that Mr. Partin was present when you were interviewing witnesses, Mr. Larry Sammut, or something, for one, you gave the example?

A. Yes.

Q. And that you listened to their answers they gave you in response to certain questions, right?

A. Yes.

Q. Did you so testify?

A. I testified to that.

Q. And didn't you say then that you had questions and answers typed up?

[fol. 7528] A. I had the interview, the transcript of my interview dictated and typed, yes.

Q. And it was in the form of questions and answers, was it not?

A. That's right.

Q. Pardon me?

A. Yes, I have a copy here.

Q. And you gave those to the witnesses to read, did you not?

A. Mr. Partin handed them out.

Q. Gave them to the witnesses?

A. Yes, sir.

Q. To read?

A. Yes, sir. And to make any corrections, alterations, deletions, additions, and change it in any way so that I did not misunderstand what they were telling me. And that is the question, that is the questions and answers in which it mentions one of the questions is, on Page 2 of that, and I said that there were more than one page and it was stapled and on Page 2 of that question and answer memorandum is where I mentioned back in 1953 there were Hoffman investigations. Is that not correct? That is what I referred to when you got up?

Q. Mr. Bufalino, I won't go into the substance of the questions.

[fol. 7529] A. I could see why you wouldn't.

Q. I believe you then testified that I knew about the questions and answers the next day?

A. Had every reason in the world to believe and I can prove it.

Q. You assumed that Mr. Partin told me, is that correct?

A. No, I don't assume that. I assume that he told Mr. Sheridan and Mr. Sheridan told you and you used the fruits of that product.

Q. So, you assume?

A. In the courtroom.

Q. You assume Mr. Partin was relating the information to Mr. Sheridan, is that correct?

A. There is no question about that.

Q. I see.

A. There is no question about that.

Q. Now, that occurred some time along about the middle of the trial. Is that right?

A. I tell you it occurred on December 4th and December 5th of 19—the week prior to December 4th, because I think I talked to Larry Sammut on Sunday evening before December 4th, and December 5th is when I interrogated Larry Sammut and I have the transcript of that testimony here in this courtroom today.

[fol. 7530] Q. Then you testified that subsequent to that there was an event whereby Mr. Hoffa and Mr. Partin got into an argument or Mr. Hoffa was telling Mr. Partin something about quit running around and take care of his union, and Mr. Partin stormed out?

A. That's right. That was in Mr. Hoffa's—that is in the parlor part of the suite.

Q. But that happened after the question and answer incident, didn't it? According to your testimony yesterday?

A. Yes, sir. But I didn't know what Mister—that Mr. Partin was a spy for the government.

Q. Yes, but I am saying that incident—

A. (Interposing) I thought you were psychic, that is all I figured.

Q. Mr. Bufalino, the incident where you say Mr. Partin stormed out occurred after the question and answer incident?

A. I estimated it. I am not going to pin myself down on before or after. I said about ten or twelve days before. So now if you recall—

Q. (Interposing) You said ten or twelve days before the trial ended?

A. Before the trial ended.

Q. So that would be after?

A. December 5th, let me explain this, that was a Thurs- [fol. 7531] day. December 6 we were off court, 7th and 8th was Saturday and Sunday, and the 9th was on a Monday.

Q. Now, Mr. Bufalino—

A. (Interposing) Now, it could be after or before. I don't know that.

Q. Mr. Bufalino, to conclude this, you have known Mr. Partin how long, sir?

A. I believe I testified and to the best of my recollection I met him when he introduced himself in my room.

Q. You had not known him before the Nashville trial?

A. Don't ever remember meeting him before the Nashville trial.

Q. Did you ever remember seeing him before that?

A. Don't ever remember seeing him or hearing his name.

Q. How long have you known Mr. Hoffa?

A. I have known Mr. Hoffa ever since I come out of the military service and I have known Mr. Hoffa when I was 27 years old. He was 32. And we walked picket lines together and we organized together.

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[fol. 7539] WILLIAM HAWK DANIELS, previously called at the instance of the Defendant Dorfman, having been previously duly sworn, was recalled and testified further as follows:

Recross examination.

By Mr. Branstetter:

Q. Mr. Daniels, you have been previously sworn and given testimony in this proceeding, is that correct?

A. Yes, sir.

Q. In your previous testimony you stated that you had trained Mr. Partin on the use of a recording operation or apparatus, is that correct?

A. Yes, sir.

Q. And that you had listened in on a telephone conversation between the Defendant Partin and—, between the witness Partin and Mr. Hoffa on October the 8th, 1962.

A. Yes, sir.

Q. Could we have—, I believe you further testified that you had the disc or the recording transcribed and typed up.

A. No, sir.

Q. You did see this recording after, I mean the material after it was typed up?

A. I don't recollect that it was ever transcribed in our office, Mr. Branstetter.

[fol. 7540] Q. You have seen a copy. Could I hand you exhibit 215 first, please, I believe this was furnished to us by the government yesterday or the day before.

Mr. Haggerty: By the Court.

Mr. Branstetter: By the Court, I believe, yes. Thank you.

By Mr. Branstetter:

Q. Would you look at that and state whether or not that is a transcription or a typing up of the telephone conver-

sation on October the 8th, 1962, between Mr. Partin and Mr. Hoffa.

A. I would say that it is a fairly good facsimile or transcription.

Q. Would you please read it to the jury, designating which person is speaking.

A. "Operator: (Male voice) Hello.

"Hello operator."

Mr. Reddy: Wasn't that exhibit just marked for identification?

The Court: Allow him to proceed.

A. "Operator: (Male voice) Hello."

This was the operator at the motel. "Hello."

"Partin: Give me long distance, please.

"Operator: (Male voice) All right.

"Partin: (Mumble)

[fol. 7541] "Operator: (Female voice) Hello.

"Partin: I want to call Washington, D. C. Sterling 3-0525 Area Code 202.

"Operator: (Female voice) Hello.

"Partin: Let me speak to Mr. Hoffa's secretary please.

"Operator: (Female voice) Thank you, sir.

"Secretary: (Female voice) Mr. Hoffa's office.

"Partin: Uh, this is Ed Partin. Is Jimmy in?

"Secretary: Who's calling?

"Partin: This is Ed Partin, Local No. 5 in Baton Rouge, Louisiana.

"Secretary: Just a moment, please.

"Hoffa: Hello.

"Partin: Hello.

"Hoffa: Hi, Ed.

"Partin: How are you doing, Jimmy?

"Hoffa: All right, how are you?

"Partin: Pretty good.

"Hoffa: On the street?

"Partin: Yes, just got out, uh, Saturday.

"Hoffa: I want to tell you something, brother. You better be very, very careful. You're not going to get any bonds because they're really trying to cut you down.

"Partin: Yea. I know that. I got some pretty damned [fol. 7542] good information they are trying to hang me under that. Ah, they're trying to talk to Burns on this." [fol. 7543] "Hoffa: What?

"Partin: Local members here and the business agents that I'm working on talked to Burns on it.

"Hoffa: 150,000?

"Partin: Says yes, I got a bonding company and all. What I was thinking, Jimmy, after I get this thing straightened out today and tomorrow and everything if you get an opportunity or something I would like to get with you and talk with you and talk this thing out.

"Hoffa: Well, I will be here all week.

"Partin: You will be there all week?

"Hoffa: Yea.

"Partin: When would you like for me to call you when you—

"Hoffa: Soon as you get up.

"Partin: All right.

"Hoffa: You are going to call me or come up?

"Partin: Well, I will just call and ask you about let you know when I'm coming. I will ask you about it. You know we have got the General Chemical election coming up.

"Hoffa: Yes. About that we got a problem. Dusty wants to put that local in trusteeship and we can talk about that.

"Partin: Yes, I will tell you, Dusty is the one who is going to hang me if he don't shut Chuck Winters' mouth [fol. 7544] up.

"Hoffa: Shut up who?

"Partin: Chuck Winters' mouth running.

"Hoffa: What is he doing?

"Partin: Talking to everybody that can be talked to about all these cases and everything about trying to shake

Judy Al? And then and behind the scenes Judy Al is working right with the people about trying to hang me."

The Witness: If Your Honor please, may I interpolate? This is J. D. Albin because I have heard the tape over and over.

By Mr. Branstetter:

Q. Just read it as it is listed there.

A. (Further reading by the witness.)

"Hoffa: Well, I guess I better call Winters.

"Partin: Fine. Good enough. I will call you and I will try to get things straightened out today and tomorrow and I will give you a call and then I will come on up.

"Hoffa: You better make sure that local is running right and hold them together so the members know what is going on.

"Partin: That is what I'm talking about. After I get everything straightened here.

"Hoffa: Get around to all your members.

[fol. 7545] "Partin: We have got a meeting tonight along and I will know then after I meet with them. I will know then you know what.

"Hoffa: What did they set the trial on the kidnapping?

"Partin: You know that won't come up, Jimmy. There is nothing to that. They will never come up. They have just another way to get me in jail and have me setting around.

"Hoffa: I think it was more than that. I think it was an effort to get your first bond cancelled.

"Partin: Yes. That is what the attorney seems to think and on these now the commercial loan we were supposed to get ahold of the federal judge and tell him that we might run this local through mine (mumbled) and get a written statement from him and let me operate and move around like I should so he won't let them cancel the date until then I'm going to be darned careful because they are going to be watching every move.

"Hoffa: Of course, you can't leave then until you get permission.

"Partin: That is what I figured but he is going to take and get ahold of him today. He appointed the Federal Judge. That is it then. Be seeing you.

"Hoffa: Let me know when.

"Partin: Sure enough Jimmy."

[fol. 7546] "Conversation ends. This is a recording of a telephone conversation that was initiated at 7:10 a.m. on October 8, 1962 by E. G. Partin calling long distance from Room No. 238 of the Holiday Inn Motel, located in Baton Rouge, Louisiana, which long distance call was charged to Local No. 5 and the call was overheard by William H. Daniels of the District Attorney's office."

By Mr. Branstetter:

Q. Now, Mr. Daniels, do you recall what day you testified here previously the first day you appeared?

A. The date?

Q. Yes.

A. This was on Wednesday which would have been probably the 18th of February or the 19th.

Q. And this is the conversation that you testified that you helped set up for the recording purposes?

A. This is one of them, sir.

Q. Right. And we asked you certain questions about them, but did not have this transcript to hand you at that time. Is that correct?

A. That is correct.

Mr. Branstetter: We would like to have this marked in evidence.

The Court: All right. It has heretofore been marked in evidence.

[fol. 7547] Mr. Branstetter: I thought only for identification purposes.

The Court: Well, it is admitted in evidence.

The Clerk: No. 215.

(The transcript previously marked for identification as Exhibit No. 215 was received in evidence.)

Mr. Branstetter: Still, could I inquire what date this was marked from the clerk? Or look at it and state?

The Clerk: When it was marked?

Mr. Branstetter: Yes.

The Clerk: Originally?

Mr. Branstetter: No. When it was marked and opened.

The Court: Filed yesterday.

The Clerk: The 25th.

Mr. Branstetter: All right.

By Mr. Branstetter:

Q. Now, Mr. Daniels, I believe you testified also that there was another conversation. Could we have the witness handed Exhibit No. 216 please now. Now, would you proceed in the same manner. Mr. Daniels, and read this and state—, read this transcription also with designating the names just as you did previously and also the notations?

A. Yes, sir. (Reading by the witness.)

"Partin: I want this billed to my office number, Wal-
[fol. 7548] nut 4-1757. The name is E. G. Partin. P-a-r-t-i-n. I want to call Newark, New Jersey, for the Essex house.

"(Interchange here operator off line apparently connecting with the Essex house Hoffa's suite next thing.)

"Partin: My name is Partin, business agent from Baton Rouge, Louisiana. I need to talk to him on something if I could.

"Voice Male: I will see what he says.

"Baton Rouge Operator: Yes.

"Partin: Baton Rouge, Louisiana.

"What is your name?

"Partin: E. G. Partin. P-a-r-t-i-n. Ed Partin, business agent, Baton Rouge, Louisiana.

"Voice Male: Ed Partin I will see what he says now. He just had a long distance call and refused it with, dashes indicating an omission.

"Partin: Find out if I can call him back if he is not taking them now, please.

"Voice Male: All right.

"(But then Hoffa comes on line.)

"Hoffa: Who is this?

"Partin: Ed Partin.

"Hoffa: Yes, Ed.

"Partin: I hate to interrupt you, Jim, but I need to talk to you on—(blank)

[fol. 7549] "Hoffa: Yes.

"Partin: When can I see you? You said you would be there on the 22nd in Nashville. What is the best day to come?

"Hoffa: The 22nd. I'm going to be there.

"Partin: All right.

"Hoffa: I'm going to be there Sunday also.

"Partin: All right. Then a period indicating an omission.

"Hoffa: Sunday afternoon.

"Partin: Will Sunday or Monday be all right? If I couldn't get the schedule out either one?

"Hoffa: Right.

"Partin: We won that election at General Chemical.

"Hoffa: Wonderful.

"Partin: 142 to 92.

"Hoffa: Wonderful.

"Partin: So I wanted to let you know about that also. (Apparently bad connection at this point.)

"Hoffa: Hello.

"Partin: Hello.

"Hoffa: What about bulk transport?

"Partin: They are all back to work, Jimmy.

"Hoffa: Wonderful.

"Partin: Lake Charles was dissatisfied but they didn't [fol. 7550] vote for it but—(again periods indicating an omission). The majority ruled on that and they are back to work.

"Hoffa: All right, Ed, either Monday or Tuesday at the Andrew Jackson Hotel.

"Partin: Andrew Jackson Hotel.

"Hoffa: Now, Monday you will have to be there before one o'clock."

By Mr. Branstetter:

Q. Would you read that again?

A. Yes, sir.

"Hoffa: Now, Monday you will have to be there before one o'clock.

"Partin: One o'clock?"

Mr. Schiffer: Pardon me, Your Honor.

By Mr. Branstetter:

Q. Could I see this? Mine indicates "after" instead of "before". Yours is "after".

A. (Further reading by the witness.)

"Partin: After one o'clock.

"Hoffa: Yes."

By Mr. Branstetter:

Q. Could I just, Mr. Daniels, it says "after", doesn't it, instead of "before"?

A. (Reading by the witness.)

"Hoffa: You will have to be there—

[fol. 7551] "Hoffa: Now, Monday, you will have to be there after one o'clock."

Excuse me.

By Mr. Branstetter:

Q. Proceed.

A. (Further reading by the witness.)

"Partin: One o'clock.

"Hoffa: Yep.

"Partin: All right. Fine, Jimmy.

"Hoffa: Thank you.

"Partin: Thank you a lot." There is no notation or memorandum after that.

By Mr. Branstetter:

Q. Now, did you bring the recordings from which this was transcribed?

A. No, sir, I did not.

Q. I believe those were filed with the Court. We would also like to have those recordings attached to the typed transcript and introduced into evidence. Who did you turn them over to originally?

A. I think that I turned the original over to Mr. Frank Grimsley.

Q. Mr. Frank Grimsley?

A. Yes.

Q. And you know Mr. Frank Grimsley as the gentleman [fol. 7552] who testified here he was employed by the United States Government?

A. Yes, sir.

Mr. Haggerty: I think, however, that the chain of possession seems to have been from Mr. Grimsley to Mr. Neal and Mr. Neal turned them over to the court.

The Court: I assume there were some exhibits filed. I will check those exhibits and see what was filed, Mr. Haggerty.

Mr. Neal: The only time I knew about it was this trial.

Mr. Branstetter: Well, this second material you were reading of the telephone conversations one of October 18th?

The Witness: Yes, sir.

By Mr. Branstetter:

Q. 1962?

A. That is correct.

Mr. Branstetter: Now, do we have it clear as to the present location of the belt or the tape or the disc?

The Court: I will check the record at our recess and clear that up.

[fol. 7553] Mr. Branstetter: We do want those, may it please the Court, to be attached.

Now, we also, if it has not been previously done, want to file the transcript along with, as I say, the recording disc, whatever was involved in evidence at this point and would like for this typed transcriptions to be passed to the jury.

The Court: They may be passed. As I say, I will check the exhibits in regard to the belts.

* * * * * * *

[fol. 7595] Mr. Silets: Ladies and gentlemen of the jury, I am reading from a certified, exemplified copy of the record in Criminal Action No. 1452, United States versus Edward Grady Partin, United States District Court for the Eastern District of Louisiana. The entry on the docket sheet shows that the representative for the United States was Peter E. Duffy, Assistant United States Attorney. For the defendant, Ossie B. Brown and William C. Bradley, 218 St. Louis Street, Baton Rouge, Louisiana.

The indictment is indicated as the violation of 29 United States Code 439(c) and 29 United States Code 501(c), entitled labor-management reporting and disclosure act.

The first docket entry—I am not going to read all of them, ladies and gentlemen, but the Court has given me permission to read some—the first docket entry is June 22nd, 1962, the filing of the indictment.

The second docket entry I am reading to you is July 20th, 1962, arraignment of the defendant. "Defendant enters plea of not guilty. Court allows defendant 30 days from this date to file any motions. Defendant released on bond."

The next entry I will read to you, ladies and gentlemen, is September 21, 1962, "Filing minute entry of hearing—

defendant not present. Counsel for defendant files a written motion for continuance. Granted. Government moves [fol. 7596] that the bond of defendant be forfeited and a capis issued. Denied. Ordered E. G. W.," standing for the District Judge, E. G. West. "That hearing on motions of defendant to dismiss the indictment, to transfer, for a bill of particulars, et cetera, be continued to October 5, 1962, at 2:00 o'clock, p.m. Issuing notice and entered."

Next entry is October 4, 1962, "Filing motion of plaintiff," that is, the United States, "For continuance of hearing of October 5, 1962, and order E. G. W.," meaning the judge of the district court, "That the hearing on motions of defendant set for October 5, 1962, be continued to be reassigned. Issuing notice and entry."

October 8, 1962, "Filing appearance bond in the amount of $50,000 and justification of sureties by W. E. West, James P. Gaudin, V. W. Prejean, A. D. Morton, and James W. Brown, and report of proceedings before U. S. Commissioner wherein said bond was substituted for previous bond of 6/27 issued by United Bonding Insurance Company."

Now, I would like to read to you a portion of that report which was filed, the report before the United States Commissioner dated October 6, 1962, in the proceedings of United States versus Edward Grady Partin. The remarks shown and signed by the United States Commissioner which were filed on the 8th of October but the proceedings occurred on October 6th, are as follows, "United Bonding [fol. 7597] Insurance Company, who wrote a bond for defendant on June 27, 1962, has given notice that they are withdrawing from the bond. A new bond was executed by defendant on the afternoon of October 6th, as a substitute for and in lieu of his previous bond. A representative of the United Bonding Insurance Company proposed surrendering defendant to Tom Grace, Deputy Marshal, who was on hand; but defendant was at the time in jail as a state prisoner. The new bond, which was forwarded to the

Clerk with this report was accepted by me as a substitute for the previous bond."

Signed United States Commissioner.

The next entry which I will read to you on the docket sheet is October 19, 1962, "Filing motion of United Bonding Insurance Company to terminate and cancel bond executed on June 27, 1962, wherein mover was surety and order E. G. W.," the district judge, "Granting same. Issuing notice and entry."

The next entry is October 31st, 1962.

[fol. 7598] "Filing motion of United States Attorney to continue to December 7, 1962, the hearing set for November 2, 1962, and order of E. G. W., District Judge, granting the same entered on October 31, 1962, and issuing the notice."

The next docket entry is December 7, 1962, "Filing motion of United States Attorney to continue for reassignment. Hearing set for December 7 and order E. G. W., granting same, issuing notice."

Now, attached to the certified entries are the three motions for continuance made on behalf of the United States to continue the case of United States of America versus Edward Grady Partin each of which motions were entered and read to you by me from the docket sheet.

The last of these being the one which continued it on December 7, I will read the last paragraph.

This is the motion for continuance of the United States.

"On further suggesting to the Court that the heavy trial calendar of cases pending in this office referred to in the government's prior motion for continuance, particularly in view of the fact that there is presently sitting in New Orleans a visiting judge, the Honorable John C. Bowen of Seattle, Washington, causes the government to require additional time within which to prepare and file proper opposition to motions filed on behalf of defendant.

[fol. 7599] "Therefore, the government moves the Court for an order to continue the hearing on motions filed herein by the defendant to be reassigned."

Then the judge enters his order.

And the docket entries themselves of the case entitled United States versus Edward Grady Partin shows the last entry on the sheet to be March 29, 1963, where the transcript of proceedings were filed. There has been no further entries on the docket.

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[fol. 7603]

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Branstetter: I would like to move at this time, may [fol. 7604] it please the Court, that all evidence dealing with the recording of telephone conversations and all evidence of the Witness Partin be suppressed at this time.

The Court: All right.

[fol. 7605] The Court: All right. I believe that motion should be overruled.

Mr. Branstetter: We would then request at this time a hearing, further hearing on the suppression of that testimony prior to the government going into rebuttal.

Mr. Silets: Your Honor, may I adopt that motion but go one step further. Under the theory of Copeland versus United States I move the Court now suppress all leads and all evidence arising from leads obtained illegally in violation of the constitution.

The Court: All right.

Mr. Schiffer: The defendant Parks adopts both motions.

Mr. Silets: If the Court please, I think we should at this time have the hearing on this motion to suppress.

The Court: Well, the request for the hearing at this time on motion to suppress shall be denied.

Mr. Brown: Show as to all defendants.

The Court: The hearing will be conducted in the method indicated by the court.

Mr. Haggerty: The defendant Hoffa joins in the motion for the reasons advanced by Mr. Branstetter and Mr. Silets.

Mr. Silets: There is one other thing.

Mr. Haggerty: And Mr. Schiffer.

[fol. 7606] The Court: Just a moment. Allow that to be overruled.

Mr. Silets: There is one other matter with respect to the suppression of the evidence of Mr. Partin. In addition there have been several motions for suppression, one of which the Court will recall was based on the fact that Mr. Partin was placed in the midst of the defense in the Nashville case for the purpose of obtaining information for the use of prosecution in the Nashville case.

To recall the Court's attention at Page 3212 the Court stated, "I would further find that the government did not place this witness Mr. Partin in the defendants midst or have anything to do with him, with placing him in their midst, rather that he was knowingly and willingly placed in their midst by one of the defendants."

Now, in light of the proof which has been adduced on the defense it is clearly and palpably false that this was a placing of Mr. Partin in the midst of the defense by Mr. Hoffa, as a matter of fact, the two documents read to the jury proved to the contrary.

Now, further I state that Mr. Partin, on Page 3019, stated, "Question: What were you doing there for two and a half months?" I believe, I think I was the one who was asking the question.

The answer was: "I was invited there by Mr. Hoffa." [fol. 7607] It is obvious, Your Honor, that Mr. Hoffa by review of these recorded conversations, which has been in the possession of the government, indicate beyond any doubt, and I don't suggest that it is our burden of proof beyond any doubt, it is the burden of the government on a motion to suppress. We only need raise a logical inference and I think it is certainly true here that that has been raised. It is certainly obvious that Mr. Partin was never

invited by Mr. Hoffa. He was sent there by the government, it was initiated by the government. They suggested him making the phone calls. He made the calls. He asked himself to be invited and on that basis, Your Honor, I suggest that the Court's original ruling appearing at 3212 on our motion to suppress on the issue of whether Mr. Partin was there to obtain information or whether he was in fact invited by Mr. Hoffa should be overturned by the Court and the Court should at this time suppress the evidence obtained from Mr. Partin for the very reasons which we had cited to the Court previously and if the Court has any doubt at this moment they should have another hearing on that issue.

The Court: I believe that should be overruled.

Mr. Branstetter: May it please the Court, in order that that matter may be squarely presented to the Court on behalf of the Defendant Campbell, the Court would recall that I argued at some length with reference to that par-
[fol. 7608] ticular point wherein it was held specifically illegally obtained evidence could not be used for any purpose whatsoever in any proceeding at any time. On the basis of that we submit that any evidence flowing from the illegal placing of Partin in the midst of this other proceeding would not be admissible in this proceeding.

The Court: All right. I believe the motion should be overruled.

Mr. Schiffer: May we have that for all defendants, Your Honor?

The Court: Yes, sir, it may stand for all defendants and overruled as to all defendants.

Mr. Silets: Your Honor, I have just been shown a copy of Mr. Walter Sheridan's testimony on this motion to suppress and if the Court would consider this before ruling on my renewal of the motion this question and answer was given at Page 3145 or 46, and I believe again I was inquiring of Mr. Sheridan. "Question: Did the fact that he was furnishing," he being Partin, "was furnishing information to you and the Department of Justice, to your

knowledge was that a factor in his remaining in Nashville?"

"Answer: I am sure it had some bearing."

Now, Your Honor, it was obvious from the inquiry of Mr. Sheridan that Mr. Sheridan left the impression, clear impression, that the only reason he was staying in Nash- [fol. 7609] ville was to furnish this information to the government, and, Your Honor, I again urge upon the Court that in fact Mr. Partin was there not at the insistence of any of the defendants but at the insistence of the government.

The Court: All right. I believe the motion should be overruled.

Mr. Branstetter: May it please the Court, I had handed up a motion for judgment of acquittal on behalf of the Defendant Campbell. I do not care to argue it at length. I would like to read a part of Rule 29 to the court at this time.

The Court: Which motion is this?

Mr. Branstetter: This is now the motion for judgment of acquittal on behalf of the Defendant Campbell.

The Court: All right.

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[fol. 7670] Mr. Neal: (Interposing) Your Honor, we propose to call Walter Sheridan to the stand to testify that he was receiving evidence of jury tampering daily during the Hoffa trial, that based on this and not until he received these did he ask that he pass this on to the FBI and asked the FBI to conduct inquiries and it was based on this information that he was able to apprehend an approach by King to Patrolman Paschal, able to apprehend that an approach had been made to the relatives of the juror Gratin Fields, able to know that the Defendant Dorfman and Hoffa were calling Tweel and Tweel was calling Hall and seeking to have Hall find somebody that they knew on the jury to approach.

Now, that is going to be offered in rebuttal.

Mr. Brown: Your Honor.

Mr. Alexander: Tweel and Hall, that's a matter for [fol. 7671] argument.

The Court: Just a moment, let's take them one at a time. Which gentleman is recognized?

Mr. Brown: Your Honor, me.

The Court: All right, Mr. Brown.

Mr. Brown: Your Honor, on behalf of King, as I see now what Mr. Neal proposes to offer is argument to the jury, certainly this is not proof in chief. I have never heard this, he could have introduced every bit of this by Mr. Sheridan and laid the groundwork, the witnesses brought on as for his reasons throughout this whole thing instead of that now he attempts to make an argument in front of the jury to that effect. We don't think it's any rebuttal at all.

Mr. Silets: Your Honor, can I give the Court some cases on point?

The Court: Yes.

Mr. Berke: I have a memorandum. What do you have, the Mallin case?

Mr. Silets: The Mallin case.

Mr. Berke: Well, I have that, your Honor.

Mr. Silets: Also I don't know what Mr. Berke is citing, I think he is citing one of the cases I was going to mention.

Mr. Berke: All right, you go ahead and cite it.

Mr. Silets: Also Mallin versus United States, 170 Fed. [fol. 7672] 2nd 585 and Sykes versus United States, 312 U. S. 223.

The Court: 312 U. S.?

Mr. Silets: Yes, sir, Supreme Court, yes, that's right, 312 U. S.

The Court: All right. Anything further on this matter?

Mr. Neal: We have a memorandum on this, your Honor, and I want to point out this, we did not put Mr. Sheridan on in our direct case. You couldn't bring on testimony that Partin told Sheridan something out of the presence of the defendant until the defendant attacked the Witness Partin's testimony as a recent fabrication, which they have.

We are prepared to show it's not a recent fabrication. We are prepared to show for corroborative purposes that it was being related daily and based on this we knew before the Defendant King made the approach to the Patrolman Paschal that he was going to make the approach and that is the reason that the FBI was surveilling him, and that's the reason the FBI were out in the vicinity of Paschal's residence the night of November 17th when they saw him or saw the car there that he was driving at the Paschal residence.

This, your Honor, is again rebuttal testimony which could not be put on on direct. It can only be put on in rebuttal because the Witness Partin's testimony—

[fol. 7673] The Marshal: (Interposing) Let's be quiet.

Mr. Neal: The Witness Partin's testimony was attacked as a recent fabrication. We have a memorandum on this we would like to pass in to the Court and to the defendants.

[fol. 7674] Mr. Brown: I think, your Honor, I think Mr. Neal hit the nail right on the head when he said it's corroborative testimony. Now, he is trying to bring in here someone to corroborate what Partin told Sheridan, which Sheridan would be reciting a conversation he had with Partin. It wouldn't be rebuttal in any sense of the word, in other words, Partin's testifying what he recited to Sheridan and now Sheridan is coming in and saying, "Yes, he did recite this to me." It's not rebutting anyone, it's actually trying to corroborate their own witness. They could have done that on their proof in chief.

Mr. Neal: I am passing, I am handing to the Court and through the Clerk the government memorandum of law regarding the admissibility of testimony, contemporaneous reports made to Walter Sheridan by Edward G. Partin.

Your Honor, the whole attack, as your Honor well knows, is broad discretion being permitted on cross examination for calling witnesses in here and the whole attack is this has been a fabrication and a recent fabrication on Partin's part.

We are entitled to show that these were statements made and that based on these statements these are not—this is a thing that is going to happen that Partin told Mr. Sheridan, this is going to happen, I can tell you that King is going to approach Patrolman Paschal.

[fol. 7675] This is when Mr. Sheridan tells the FBI, "We better surveil King, he is going to make an approach to Paschal." Not that an approach has been made to Paschal but an approach is going to be made.

This will show, your Honor, that the testimony, not only it's true, but it's not a recent fabrication as the defendant has contended so many times throughout.

Mr. Silets: Your Honor, I have just handed this memorandum that is amazing to me in the light of Mr. Neal's suggested argument to the Court, when the Court reads the first paragraph it says, "The government proposes to offer the testimony of Walter Sheridan regarding reports made to him about at the time of the acts testified to by the Witness Partin to corroborate the testimony of the witness."

Now, I cite to the Court Mallin vs. United States and I quote, "The witness may not be corroborated or have the sworn testimony reinforced by proof that on previous occasions he has made the same statement as those made in his testimony." The government knows this, it's axiomatic.

The Court: Well, do you have any authority as to whether testimony that might tend to corroborate a witness can be used on impeachment? Your Mallin case is not on this particular point?

Mr. Neal: The Mallin case is cited on Page 5 of our brief, that's the case Mr. Silets says and is distinguished [fol. 7676] clearly.

Mr. Berke: In the first place, if your Honor please, this is the government's own witness and, of course, the impeachment question can't come in so far as Mr. Partin is concerned, if this is rebuttal it's not rebuttal to anything at all, actually all they are trying to do is to show that they are trying to bolster Mr. Partin's testimony by the testimony of Mr. Sheridan, which is clearly hearsay.

Now, the point is that Mr. Neal in this record is trying to say a recent fabrication. There is no insistence here that this is a recent fabrication, this is a fabrication beginning from the moment that he arrived at the trial in Nashville.

Now, there is a rule on a recent fabrication where they had made prior consistent or inconsistent statements that is admissible.

[fol. 7677] But this is not it. This goes to the very heart of it. In other words, these are statements made in October, November, December. He is relating about those events.

Now, if this is something that he has cooked up in the last few days and had previously made inconsistent statements when you study this case it is clear because actually you are not proving anything because as they say in here, if McLaughlin told the truth at the trial, he may very well have told it on December the 11th. If he lied at the trial, his statements of December 11 only goes to show he made a lie.

All they are trying to do here is trying to introduce here and to prove hearsay evidence and not a prior inconsistent statement because this is not a recent fabrication. It was a fabrication from the very beginning.

So we say that Mr. Neal, Mr. Neal's statement that he read in the record of recent fabrication that rule did not apply.

Mr. Neal: Your Honor, now, Your Honor they put on proof by Mr. Debbie George and Mr. Stevick, or something, that the witness Partin and of course other witnesses, of their own, contradicted this, that the witness Partin called the Defendant Hoffa on January 17, 1964, Your Honor, and says, if you don't—, if you make me call off the strike, [fol. 7678] I am going to come up to Nashville and testify against you. They have said, they have said the same thing about the witness Partin, that old story about a lawyer offered $10,000.00 to defend a case and he wired back and says, "I'm taking the evening train with two eye witnesses."

They are attacking this man as a recent fabrication. That certainly makes it admissible. It is certainly admissible, Your Honor, not as hearsay, if this had merely been a statement to the Defendant Sheridan, to the witness Sheridan about something that happened in the past they would have more argument along that line as being merely prior inconsistent statements made out of court.

He is testifying he told Sheridan what would happen in the future, the fact that the statement is made, Your Honor, is itself corroborative. The fact that it was made. And the fact that what he said later turned out.

Moreover, Your Honor, the whole crux, the whole thrust of the defendants' case here has been to discredit the witness Partin, to show that he was put up to this, to show that the government bought the man somehow to give false testimony.

We are going to show that it is true. Now, Your Honor also they attack his memory and how can any man remember all this? We are entitled to show how he can remember this. We are entitled to show how it is true. [fol. 7679] He had a good memory because he reported it every day.

We ask Your Honor to read our memorandum on this. It is an important point.

The Court: I'm going to have to reserve this until I can rule upon it. I'm going to have to study these memoranda. I can't do this in five minutes.

Mr. Neal: We want to be helpful to the Court. We appreciate that. We would like the Court to consider our request to impeach the witnesses Parks and Tweel by the prior inconsistent statements. We would like Your Honor, I know you have ruled, but we would like for Your Honor to consider that further.

The Court: All right.

Mr. Neal: I would like for Your Honor to consider the Witness Sheridan's testimony.

The Court: All right.

Mr. Haggerty: May I say, in reference to the immediate matter before the Court, there is evidence in the record that the exhibit dated 11-7-63, that is the sealed envelope, and the affidavit signed by Partin, which is in evidence—

Mr. Neal: (Interposing) It is not in evidence. That is not in evidence.

Mr. Haggerty: And also there is a telephone recording of 10-8-62 and 10-18-62, which shows may it please the [fol. 7680] Court in support of the government to that extent.

Therefore, I say it is entirely superfluous and unnecessary to put Sheridan on, not waiving any other of our many grounds.

Mr. Silets: Your Honor, there is another aspect of this matter. I think Mr. Berke has touched on it briefly. On this recent fabrication. It seems that the prior consistent statements may not be admitted for purposes of rehabilitating the witness unless it was made before the existence of a motive to fabricate.

Now, the motive to fabricate this testimony existed at the time this prior consistent statement was made. In other words, at the time he made the statements to Sheridan he had the same reason to lie about this testimony then as he does now.

Now, for example, in United States versus Sherman, 171 Fed. 2d 619, there was a reversal in a similar kind of situation where the Court said, concededly the same statement was not competent unless the admission of the impeaching statement, there was an impeaching statement of the witness, made it so for when Avell, that was the party, Avell, made it, he had the same motive to fabricate, that is, the hope of leniency, that he had while on the stand.

Now, that is exactly what we have here; Partin when he made these prior consistent statements to Sheridan, had [fol. 7681] the same motive if he had the motive at all, as he has now on the witness stand.

And the only basis for putting in a prior consistent statement in refutation of a motive to fabricate is when the motive changes.

Mr. Neal: Your Honor, in answer to that, I don't mean to keep arguing this but they have brought out the January 17th, 1964 phone call that if you don't call off the strike or if you make me call off the strike I am going to come up to Chattanooga and testify against you. That is the best motive to fabricate.

Moreover, Your Honor, I don't think Mr. Haggerty is correct. I would be happy to know it if it is and we move its admission, but I don't think that November 7th affidavit is in evidence.

Mr. Branstetter: Yes, may it please the Court, it is.

Mr. Neal: Can we have an understanding that it is in evidence then?

The Court: Well, the Court understands it was in evidence.

Mr. Berke: November 1 to November 7.

Mr. Schiffer: I put it in evidence on cross examination, Your Honor, affidavit of Mr. Partin.

Mr. Haggerty: Affidavit of Mr. Partin, of December 19th [fol. 7682] was introduced. December 7th, was introduced and received in evidence.

[fol. 7683] Mr. Schiffer: Yes, sir.

Mr. Haggerty: And it refers back to a November 7th.

Mr. Neal: I just wanted to get that straightened out. It is fine to have that in. Doesn't change the argument here. I didn't know that it was in evidence. We would like to have it in evidence.

Mr. Schiffer: It is in evidence, but I should also before your Honor retires, to leave you with this one point that with reference to the January, 1964, telephone call that Mr. Neal refers to, the parties who testified to that were behind another partition. They, in fact, could not say of their own knowledge and they so testified that, in fact, the Witness Partin did speak with Mr. Hoffa. He came out and later told him he was talking to Mr. Hoffa. But there is no independent evidence of that at all.

Mr. Berke: Besides, the rule is it has to be a prior, not a subsequent, consistent statement. It has to be a prior consistent statement, where the motive to fabricate does not change.

In other words, if they made a prior consistent statement at a time when there is no showing for a reason to fabricate then under the exception that is competent.

But not any subsequent statement. Now, all of these statements were made during the time when the motive [fol. 7684] to fabricate was exactly identical, the same all the way through, if anything at all, it might have got worse and worse as it went on but the motive continued.

Now, had Partin made a statement, say, in July, 1962, before he was in any trouble whatever, now that would be considered a prior consistent statement at a time when there was no motive to fabricate.

Now, that is the only time you have the exception. But when he talked about a statement made in January, 1964, that is not a prior consistent statement and that is only the time of the exception.

Mr. Neal: Your Honor, they put on telegrams here, telegrams from Mr. Hoffa to Mr. Partin. Take off this strike. Trying to show he was angry at Mr. Hoffa because Mr. Hoffa wanted him to pull off a strike, pull off of a strike.

Mr. Bufalino took the stand and said some time during the trial, I believe he said the 10th or the 11th, 10th or 11th or 12th of December, if I remember exactly, a week or ten days before the trial was over anyway, that Mr. Partin and Hoffa—Mr. Hoffa told Mr. Partin something about cleaning up his union and he walked out in a huff.

But, your Honor, above and beyond all that, all the statements, the general rule is that no—any evidence, let's say, that tends to prove anything that has any value whatever is admissible.

[fol. 7685] The Court: Well, yes.

Mr. Neal: That is the general rule.

The Court: It is the general rule, too, that lawsuits must end some time. And there is a time for all things. There

is a time to put in proof and there is a time to not put in proof.

Mr. Neal: What would your Honor's ruling have been if we had followed Mr. Partin with Mr. Sheridan to the stand and testified he told Mr. Partin this? I don't think your Honor without more, without some, without Parks or Partin, I don't think your Honor would have sustained the admissibility of it.

The Court: Well, both sides certainly have been permitted to put in corroborative testimony in their proof in chief. You put in testimony that would tend to corroborate some of your other testimony and the defense put in testimony that would tend to corroborate some of their other testimony and they did that on proof in chief.

Mr. Neal: But we were compelled to wait with the Witness Sheridan until, until the Witness Partin was attacked.

The Court: All right. Well, I will have to study this, gentlemen. I can't decide it from the bench.

Mr. Neal: Your Honor is right, lawsuits have to end. Certainly we are not going to be long in rebuttal at all. And it appears we are going to be even shorter than we [fol. 7686] thought we were going to be. We are not going to be long in rebuttal. This is certainly highly probative, your Honor, and we see no rule of exclusion. It is not hearsay because the fact that it was made, the fact that Partin said it is going to happen, certainly the fact that he said that regardless of the truth of it, it certainly corroborates the truthfulness or certainly substantiates, and supports the truthfulness of what he is saying.

The Court: Well, now, yes, it may or may not be corroborative, but that is not the basis—I can't determine whether it is rebuttal or not on that basis. If it is offered just for purposes of corroboration then it would appear rather clear to the Court that it is not rebuttal testimony. [fol. 7687] Mr. Neal: Your Honor, it's also offered to—it is also clearly admissible, it seems to me, to rehabilitate the Witness Partin whom they offered telegrams when the Witness Bufalino got on the stand and says—

The Court: (Interposing) Let me say I don't think any further discussion at this time would be very helpful until I have studied the memorandum and they are rather lengthy memorandums.

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[fol. 7732] February 27, 1964

The Court: Note a correction in the record at page 7625, line 23, the word "should" (spelling) s-h-o-u-l-d should be substituted for the word "would" (spelling) w-o-u-l-d.

With regard to the government's offer of rebuttal testimony as to any conversations of Agents Sheets and Norwood with Mr. Tweel, the Court is of the opinion that the objection to that should be sustained.

With regard to the offer of proof for rebuttal of the Witness Sheridan, the Court is of the opinion that that objection should be sustained and that testimony not allowed to be introduced as rebuttal testimony.

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[fol. 7979] The Court: Now, then, gentlemen, we have the matter of a hearing in regard to evidence alleged to have been illegally obtained.

Mr. Silets: Your Honor, before we go into that we have some motions at the close of all of the proof.

The Court: All right.

Mr. Silets: I guess I am in error, your Honor. I think maybe it is proper that the motion to suppress come before our motions.

The Court: All right, sir. With respect to any hearing upon evidence alleged to have been illegally obtained, such a hearing will be limited to the telephone calls upon October the 8th and the 18th, 1962, as those are the only matters upon which any basis exists in the record for any hearing.

[fol. 7980] Now, if you have any further evidence to offer in regard to those matters the Court will hear it at this time.

[fol. 7981] The Court: If there is no further evidence the Court will hear any further argument.

Mr. Silets: I would like to make a statement for the record.

The Court: All right, the Court will hear any statement or argument for the record.

Mr. Silets: May it please the Court, during the secret session on February 6, 1964, without disclosing the precise contents, Mr. Neal filed at Page 3515 of that proceeding an FBI report, I don't know if the exact nature of that has ever been disclosed, but it was technical, according to Mr. Neal, it involved a technical report. It was a technical report, without stating to the Court in the presence of the public the nature of it exactly.

The Court: Well, that report did not in any way relate to any recordings. It did not relate to the recordings. It did not relate to any matters that are at issue in this lawsuit and the Court sealed that report.

Mr. Silets: Yes, sir, may I continue, Your Honor?

The Court: Yes, sir.

Mr. Silets: Sometime on or about the 7th of February I had requested "all possible statements of Mr. Partin relating to matters on which he spoke to Mr. Grimsley and Mr. Daniels before the Nashville trial."

Now, on Page 4020 of the record the Court ruled that [fol. 7982] that motion was too broad. Then Mr. Neal interjected and indicated he had a small matter. And what had been previously marked as Exhibit No. 114, secret report in the secret session which was sealed, Mr. Neal at Page 4021 asked to see that report of the secret session, that Exhibit No. 114.

Then on Page 4027, Exhibit 114 was opened and delivered to Mr. Neal.

Then on Page 4029 and 4030 Mr. Neal added to Exhibit 114, he said with respect to Exhibit 114 I would like to submit for inclusion in that exhibit a full FBI report of the subject matter there. It will be in addition to the mat-

ters there. I think it is just an incomplete report. The clerk in the presence of the clerk I went through that exhibit No. 114. I would like to submit this FBI report with that exhibit.

At Page 4031 the Court resealed Exhibit No. 114 as it originally was.

Then at Page 4035 the Court retired and examined this additional FBI report and Page 4035 it was marked and filed as Exhibit—, there is some confusion in the record, but the best I can tell, Your Honor, it was filed and marked as Exhibit No. 118.

Now, at Page 4028 Mr. Neal had at that morning which I might add was February 10th, had indicated that to Mr. Grimsley's report he had two portions, an exhibit "A" and [fol. 7983] Exhibit "B". The Exhibit "A" was marked as Exhibit No. 119. As far as I say there is some confusion as to which is which, but the best of my analysis of the record, Exhibit "A" was marked as No. 119 and it was turned over to the defendants. It was a small slip of paper comprising about one paragraph.

The balance was Exhibit "B" and that was Grimsley's report which at Pages 4028 and 4035 the Court indicated it was sealing as Exhibit 118.

Now, at this point as far as my analysis of the record is concerned, that exhibit No. 118 what Mr. Neal had referred to as an additional FBI report and Mr. Grimsley's report.

At Page 4035 I asked the Court that the Court turn over to us the entire contents of Exhibit No. 118 and that was denied.

Now, Your Honor, at Page 5129 Mr. Haggerty made a motion for the government to produce all tape recordings of phone conversations, particularly recordings of October 18th, 1962.

And at Page 5130 the Court ordered the government to file a response.

This was February 14th. At that time on Page 5180 I asked the Court for an opportunity to examine Mr. Grims-

ley. Some further matters occurred. There was an exam-
[fol. 7984] ination of a Mr. Albert J. Gasdor.

And then at Page 5144 Mr. Berke filed a motion to dismiss the indictment on the grounds of an illegal interception in the making of these phone recordings. I don't want to re-read the entire motion. And in the course of Mr. Berke's argument he stated very specifically that the government had previously indicated that there were no such recordings.

[fol. 7985] Then he indicated that apparently recordings were evidently in existence because Mr. Bufalino the night before, Thursday February 13th, had interviewed Mr. Daniels and Mr. Daniels had in fact indicated that there were such recordings.

At Page 5147 Mr. Neal said that the government never said that there were any recordings and the Court ordered the government to file a written response.

At Page 5158 this colloquy occurred:

"Mr. Neal: May it please the Court, before the jury comes in, I had just remembered with respect to the recordings, those were turned over to the Court, I believe. I had forgotten and perhaps the Court had forgotten."

The Court stated, "The Court hadn't forgotten anything."

"Mr. Neal: Sorry, I had forgotten it. They had been turned over, had been ruled on by the Court. Turned over with all other matters for determination in connection with Jencks statements, and we will file a response. I had forgotten that we had turned them over.

"Mr. Berke: Are you talking about the telephone recordings?"

"Mr. Neal: Yes, sir."

The Court: That is the matters in Exhibit 118 that were made available to the defendants by the Court the other day. Yes, proceed.

[fol. 7986] Mr. Silets: Then at Page 5159 the Court—, excuse me, the Court said, "I stated that everything that

has been turned over to the Court has been made available to the defendants was available in the Court's understanding of the law, everything that was not available has been sealed and is a sealed exhibit in the case."

I said, "May it please the Court, may I inquire so that the record may be clear what exhibit number contains the recording which that Mr. Grimsley made Mr. Partin at this Holiday Inn, the recording we are talking about? Mr. Neal knows what recording that is, which taped telephone conversation, which recording of conversations in the hotel room were taped and submitted to the Court; I would like for the sake of clarifying the record that we know specifically the exhibit number."

The Court, "Well, gentlemen, you will have to go back to the record and see what exhibits were sealed. The record will reflect what exhibits were sealed."

I might say at that time, Your Honor, it was somewhat unapparent—

The Court: (Interposing) I didn't understand which exhibit you were referring to but that was Exhibit 118.

Mr. Silets: When we sit back and analyze the record at the time this occurred it was not clear what exhibit was involved, what was involved.

[fol. 7987] Now, at that point Mr. Branstetter made this motion, "May it please the Court, also in order that the record will be very clear, it is not only under the Jencks act that these tapes were requested, they were requested to be furnished to counsel as having been matters or material that was obtained in an illegal method, and not just the Jencks statement. And that we should have an opportunity to establish that in the appropriate hearing and also to call Grimsley and others to determine whether or not all of them were turned over."

Now, Your Honor, the next matter in the sequence of events, on the following Monday, February 17, 1964, I presented a motion to suppress based on a legal recording, which appears at Pages 5384 through 5387. At Page 5392

Mr. Haggerty asked the Court for an immediate ruling before the defendants proceeded on their proof. And to quote a page from 5393, this is Mr. Haggerty, "And I say to Your Honor we are placed in the clumsy situation, a difficult situation, there is information that there were recordings, there may be wiretapping, I say it is such an imperative and important constitutional guarantee that we should have a ruling on this matter and if in Your Honor's discretion to grant us a hearing we should know that before we are put to our proofs on the defense; therefore, I respectfully request Your Honor to properly make a ruling on this motion."

[fol. 7988] Then at Page 5394 the Court said, "Let's proceed, gentlemen. I will take those matters up in due course. Let's proceed. Are we ready to have the jury back?"

And at Page 5393 the Court said, "Well, the Court will have to take the motion under advisement until it has had an opportunity to study and also to consider the response of the government, so I will reserve that at this time."

Then the government filed a memorandum entitled, "Government's memorandum of law on the applicability of 18 USC 3500 to transcripts or recordings of telephone conversations between a government witness and a defendant taken with the consent of the witness by state law enforcement officials."

That was on February 17, 1964.

Attached to that memorandum were two affidavits, one of the witness Daniels and one of the witness Partin.

Now, in this memorandum the government erroneously referred to the transcript in relating to the session of February 9th, 1964. They recited the transcript as being Pages 2041 and 2048 when in reality we later learned that the precise citations were 4021 and 4028. As a matter of fact, at Page 5873 I pointed this out to the Court and indicated some concern because the government was in effect responding saying that they had turned this over and when reading this their memorandum I could not find it.

[fol. 7989] Then, your Honor, at Page 5534, also on the 18th of February, Mr. Haggerty renewed his motion and asked for an immediate hearing.

At Page 5546, Mr. Schiffer made a motion to strike the testimony of Partin in the light of his denials from the stand as to these recordings and on the basis of the affidavit attached to the government memorandum.

At Page 5550, the Court said that it desired to study the cases further that were cited in argument.

The next thing that happened, your Honor, was on the 18th of February the following day, at Page 5669. At that time the Court allowed the hearing on the motion to suppress.

At Page 5845, strangely enough Mr. Neal said when we were discussing whether Mr. Daniels should even take the stand, I have interviewed Mr. Daniels and I can't see any relevant testimony he would have with respect to this matter.

On the 19th, the next thing that happened, your Honor, is on the 19th of February, Mr. Neal filed his response to a subpoena duces tecum which was served on him and moved to quash that. At that time it was stated for the very first time in this entire record that the recordings, the actual recordings were turned over to the Court and at that time—in that response, Mr. Neal for the first time [fol. 7990] quoted the correct page of the transcript, 4021 and 4028.

Now, then, I point out to the Court this is on the 19th of February.

Then on the 20th of February, on February 20, Mr. Branstetter was examining the Witness Grimsley and he asked about these tape recordings and he asked if Mr. Grimsley knew where they were and in whose possession they were.

"Question: In whose possession are they, if you know?

"Answer: I don't know.

"Question: To whom did you deliver them?

"The Court: Well, now, if it will save any time I assume they are right here in the Court's possession.".

Page 6504—

The Court: (Interposing) That is filed as Exhibit No. 196 and No. 197 and as requested yesterday by Mr. Branstetter, they have been opened by the Court and will be made available to attach to the typed exhibits. Mr. Branstetter, do you recall the number of the typed telephone conversations?

The Clerk: No. 215 and No. 216, your Honor.

The Court: 215 and 216?

The Clerk: Yes, sir.

The Court: They may be attached to those very exhibits and properly related to each other.

[fol. 7991] Mr. Silets: Yes, sir, your Honor. Mr. Branstetter said at Page 6504:

"Mr. Branstetter: Now, may it please the Court, we have not seen them. I don't know the Court has them as a matter of having seen them, observed or heard them or read them.

"The Court: I am so advising you.

"Mr. Schiffer: Well, your Honor, may we have the exhibit number of those records?

"Mr. Branstetter: I would like the exhibit number.

"The Court: They have not been filed as exhibits. Proceed with your examination of this witness."

At Page 6505, after the Court had excused the jury, the Court advised Mr. Branstetter that what he was seeking to go into was a matter which was to be taken up on the motion to suppress. And if I may quote that from the bottom of Page 6504: "Now, then, gentlemen,"—this is the Court—"the Court ruled the other day that it would give you an opportunity to go into these matters prior to the submission of any case to the jury. The only conclusion that the Court can draw at this time is that you are rather deliberately seeking to evade the order of the Court in

that respect and try to go into these matters at this time in the presence of the jury.

[fol. 7992] "Isn't this exactly what the Court ruled upon the other day, Mr. Branstetter?"

And Mr. Branstetter said, "No, may it please the Court."

At Page 6506, this colloquy occurred between the Court and Mr. Schiffer.

"Mr. Schiffer: I have a second purpose, if I may address myself, that second purpose becomes one of prime and vital importance to the Defendant Parks in this sense, what I am trying to determine here is did it happen that the prosecution turned over to the Court certain records which are not marked in evidence or for identification and hid them in that respect from the defense, because if that occurred, your Honor—"

Then the Court interposed.

"The Court: (Interposing) There is nothing hidden from the defense. The Court is aware that the records are here, they will be available to the defendants at the proper time. They were filed upon the examination of the Court along with the response of the government and the two tapes are right here."

[fol. 7993] Now, I point out to the Court that at this juncture there were only two things filed by the government, that was their memorandum on Section 3500 and the motion—, brief in support of the motion to quash on the subpoena of Mr. Neal.

Now, one was filed on the 17th, a memorandum was filed on the 17th, which did not indicate attachments to it. And Mr. Neal's motion to quash his subpoena was filed on the 19th, the preceding day, also with no indication of any attachments.

Now, at page 6507, the Court stated as follows:

"The Court: Mr. Schiffer, let me just tell you the other day the government filed with the Court a memoranda

and attached to that memoranda were two envelopes which were delivered to the Court. They have been with the Court since that time. No one has made any request for them or about them. They are nothing in the world but IBM dictaphone tapes. The Court has not—, I do not know what is on the tapes—, I have never examined the tapes, they were delivered to the Court in that manner."

That is at page 6507.

At page 6508, apparently Mr. Schiffer had made some comment about three weeks, and the Court interposed at page 6508 and said:

"The Court: (Interposing) No, sir, it hasn't been for [fol. 7994] three weeks. These were delivered to the Court with a motion filed by the government within the last week, I am certain."

Then, your Honor, again at page 6512 of the record, Mr. Neal answered by saying he had turned those recordings over to the Court pursuant to my request.

"Mr. Neal: The tapes, as well as the transcription, that is the actual tapes as well as a written transcription, has been turned over to the Court and we did it pursuant to their request contained at page 5129, this is beginning at 5128 and 5129, Mr. Silets and Mr. Haggerty asked that the tapes be turned over."

Then Mr. Neal read those parts of those pages.

The Court: I might just say that I am not sure that I understand exactly what is being said there, but the dictaphone belts were not turned over to the Court at the time that the typewritten transcript or typewritten transcript was turned over and sealed as Exhibit No. 118 at the time of the request for the Jencks statements. The dictaphone belts themselves were turned over at the time indicated by the Court which I believe was about February 18th.

Mr. Silets: Your Honor, my point is this, if I may just

interject there while I'm going through this, my point is that at the time Mr. Neal inserted this additional FBI report and I read that from the record we had no idea [fol. 7995] that it reflected a telephone recording or transcription of a telephone recording. That was never brought out to us and, as a matter of fact, it was my understanding that some of the defendants, including Mr. Hoffa, went to the Clerk's office to actually feel the sealed documents to ascertain whether there were any tape recordings. Those are bulky objects in that sealed document and there were none.

[fol. 7996] Your Honor, my point is I would like to continue but my point is in short that the government has surreptitiously turned the actual evidence of a recorded conversation, that is, a tape, a plastic belt, over to the Court in such a fashion that it was impossible for the defense to ascertain that.

Now, if I may continue then, Your Honor. Now, then at Page 6512 Mr. Neal stated, as I had indicated, that he had turned them over pursuant to my request.

Mr. Neal: I—

Mr. Silets: (Interposing) Sir? Then at Page 6513 I pointed out the error in the pages that were cited by Mr. Neal and specifically with reference to the 10th of February and Page 4021, et cetera.

Now, on Page 6515 the Court said to me, "Mr. Silets, there were these two envelopes that were attached to the memoranda filed by the government. As I say, I don't recall just when it was filed, but it was filed sometime within the past week. There are two IBM recording tapes in there. What they are or what they contain the Court has no knowledge.

"The Court has never listened to them. They certainly will be filed as exhibits if you request that they be filed as exhibits and marked as exhibits in the case."

Then I, of course, asked that they be so marked.

Now, again, just to backtrack for a moment, at Page 6507 [fol. 7997] the Court had also stated with respect to the Court's knowledge of the contents, "Mr. Schiffer, let me just tell you the other day the government filed with the Court a memoranda and attached to that memoranda were two envolopes which were delivered to the Court." I think I have read this, the Court is indicating, in other words, that the Court had not examined the tapes.

The Court: The envelopes bore the dates of October the 8th and October the 18th, consecutively.

Mr. Silets: Well, of course, my precise point is the defense had no knowledge that they were turned over to the Court and had no knowledge that in fact in Exhibit 118 there was a transcription of a telephone recording.

Now, at Page 6519 Mr. Berke said, "All right. We appreciate the Court giving us that information. Now is the Court advising counsel that these tapes or a transcription thereof is not information which we have been entitled to under the Jencks rule?"

"The Court: Yes, sir. Yes, sir. The Court's opinion is that they are not producible under the Jencks Act."

Now, Your Honor, I point out to the Court, with deference to the Court, on two occasions within the space of five minutes the Court had indicated the Court had not heard the tapes.

The Court: Well, I was referring, Mr. Silets, I was re- [fol. 7998] ferring to Exhibit 118, which was the telephone —, typed up telephone conversations.

Mr. Silets: Now, Your Honor, at page 6518 the Court marked these exhibits as 196 and 197, being October 8 and October 18 respectively.

The Court: I might just state that I opened the sealed exhibits last evening, those tapes, and did listen to them, they are very poor recordings and very difficult to understand but apparently they are the content as shown in the typewritten statements which were released to the defendants from Exhibit 118.

Mr. Silets: Well, of course, Your Honor, the position of the defense is that the Court at the time the Court sealed them as exhibits 196 and 197 had no basis for the sealing of the documents, the Court having indicated on two separate occasions on this date of February 20th that the Court had not heard them at the time of the sealing.

The Court: Well, I assumed that they were what they purported to be on their face, October 8th and October 18th recordings.

Mr. Silets: Well, Your Honor, my point is that the government did not indicate to the defense that they were turning them over to the Court. I don't believe the Court had proper information upon which to make a determination within the meaning of the statute and, of course, I am urg- [fol. 7999] ing upon the Court this was an error of the Court at the time.

Now, then in conclusion, Your Honor, at Page 6520 the Court said, "I might just say this, too, in connection with that," that is the affairs that I have just related, "the Court expects and anticipates at this time that those recordings and those tapes will be made available to the defendants at the appropriate time when the Court considers the motion to suppress."

Of course, this is the appropriate time in which we are now going to consider the motion to suppress.

We have, of course, the transcription from Exhibit 118 which has been turned over, as the Court has indicated. We have not seen or heard the actual dictaphone belts, Exhibits 196 and 197. We would like to have an opportunity to hear those.

The Court: Yes, sir.

Mr. Silets: Now, Your Honor, we would also like the Court to turn over to the defense the contents of the balance of Exhibit 118, the report, the FBI report of Mr. Grimsley.

We would also like to determine whether at the time Mr. Neal reviewed the sealed contents of 114 and 118 was an

additional FBI report, whether at that time the government knew that in fact it was not an additional FBI report [fol. 8000] but was in fact the specific recordings of taped conversations.

Now, if the proof shows that that is in fact the case we move to suppress all of the evidence because the government has acted illegally and deceitfully upon the Court and upon the defense to restrain and refrain from the defendants the rights to determine whether there was illegally obtained evidence.

In addition, Your Honor, we would like at this moment to recall Mr. Daniels inasmuch as Mr. Daniels has stated that he had taken other telephone conversations and that Mr. Partin had recorded other telephone conversations, although Mr. Daniels at the time indicated that it was his opinion that it did not relate to these matters, I think this is not for Mr. Daniels to ascertain.

In addition I think Mr. Grimsley should be recalled for the same purpose, to ascertain whether there were other recordings and what other reports he prepared and which may be pertinent to this motion.

I would like to offer in evidence the transcript of Pages 5158 through 5160 regarding Mr. Neal's reference to the turning over to the Court of certain telephone recordings of conversations and the Court's response that the Court had read the same and placed them as exhibits in a sealed envelope.

[fol. 8001] I would also like in evidence in support of our motion the transcript at Pages 5384 through 5387 and 5392 and 5393 wherein request was made of the Court as to whether the government had turned over the recordings of telephone conversations to the Court as sealed exhibits and the Court did not reply thereto.

I would like to offer in evidence the government's memorandum of law filed on February 17th, 1964, pertaining to the applicability of the Jencks act to the telephone recordings wherein it was stated that the telephone recordings

were made of the October 8th and 18th telephone conversations in the year 1962 between Partin and the Defendant Hoffa and that the transcript of those recordings were submitted to the Court during the session of February 10, 1964 (transcript page 2041) and were then ordered sealed (transcript Page 2048).

I would like to offer in evidence transcript Page 2041 and Page 2048 to show that such pages contain no reference to any telephone recordings being turned over to the Court. I would like to offer in evidence the government's response to the subpoena duces tecum served upon James F. Neal wherein Mr. Neal stated that he had no recordings since they had been turned over to the Court on February 10, 1964, at Pages 4021 and 4028 of the transcript. I would like to offer in evidence transcript Page 4021 and 4028. [fol. 8002] I would like to file in evidence the motion to modify the subpoena duces tecum that was issued to Sargent Pitcher when he stated that any material he had relevant to these recordings were turned over to William Daniels, his assistant.

I would like to offer in evidence the transcript at Pages 5881 and 5889 wherein Daniels testified that he had turned over the recordings of the telephone conversations of October 8 and October 18, 1962, to Frank Grimsley, the Assistant United States Attorney.

I would like to offer in evidence the transcript at Pages 5874, et sequiteur, wherein Mr. Daniels testified with regard to the mechanics employed in applying the induction coil to the telephone and the details of how that induction coil was operated with particular reference to whether the messages intercepted by the coil before it reaches the hearer.

As a matter of fact, I would like to offer in evidence in support of the motion to suppress the entire testimony of Daniels and Grimsley that was given in this court.

I would, if possible, like to offer in evidence and obtain from Mr. Daniels the machine itself by which the conversations were recorded.

I would like to offer in evidence transcript Pages 6506 [fol. 8003] through 6508 wherein during the examination of Mr. Grimsley the Court stated that the government had given the Court recordings of telephone conversations but the Court had not read them.

I would also like to request and ask the government pursuant to subpoenas which were served on Mr. Reddy, Mr. Neal, Mr. Hooker and Mr. Sheridan to produce for inspection all FBI reports and memoranda relating to the case for the purpose of showing what was done and what use was made of the recordings to establish the question of leads and thereupon, upon receipt that the examination by the defense, I offer those documents in evidence so that the Court may inspect and determine then which of those are pertinent to ascertain whether leads were developed through the use of these recordings.

I suggest to the Court that at this time the defense on behalf of all the defendants, I think I am speaking on behalf of all the defendants, we move that on the basis of this testimony and documentary evidence that the Court suppress the telephone recordings of October 8, October 18, 1962, and all leads that are developed therefrom. And I suggest to the Court that all such leads are as follows: All testimony, documents, and statements made by the Witness Partin resulting from his appearance in Nashville on or about October 22, 1962, and continuing from time to [fol. 8004] time thereafter through on or about December 19, 1962, and all leads obtained from any information that was furnished by the Witness Partin therefrom.

It is our position that the telephone calls themselves constitute an illegal endeavor by the government. It was an illegal recording. That anything that flows therefrom should equally be suppressed.

Your Honor, this is my offer of proof. I offer those things which are documentary in evidence and I ask that the Court recall Mr. Daniels for the purpose, Mr. Daniels and Mr. Grimsley, for the purposes I have outlined.

[fol. 8005] The Court: All right.

Mr. Silets: May I have a moment, your Honor?

The Court: Yes, sir.

Mr. Silets: Your Honor, and, of course, the culprit in the affair, I think, should be recalled, Mr. Partin, so that we may ascertain from him the exact activities he participated in with these conversations.

Might I have the Court's indulgence?

The Court: All right. Yes. Gentlemen, it is 10 minutes to 5:00. The Court believes it would be appropriate to take these matters up the first thing in the morning unless you wish to make any further statement this evening on it.

* * * * * * *

[fol. 8024]

FRANK GRIMSLEY, a witness previously called at the request of the Defendant Larry Campbell, and now called by the Defendant Dorfman with reference to the motion to suppress, having previously been duly sworn, was examined and testified further as follows:

Cross examination.

By Mr. Silets:

Q. You are the same Frank Grimsley as has been previously sworn?

A. Yes.

Q. You understand, of course, your oath prevails at this moment?

A. Yes. Sure.

Q. Now, Mr. Grimsley, you said that you met Mr. Edward G. Partin some time in September or October for the first time of 1962?

A. That is correct.

[fol. 8025] Q. Now, could you relate to us the circumstances under which you happened to meet him and how it occurred that you met him?

A. I had a call come in to me long distance at home in Atlanta from Mr. Peter Duffy stating that he had received a call from Sargent Pitcher in Baton Rouge, that Mr. Partin was there and had some information that would be of value to the government.

Q. However, at that time you had already conducted an investigation of Mr. Partin, isn't that right?

A. Yes, we had, through the grand jury and otherwise.

Mr. Silets: Your Honor, may I interrupt for a moment? I file with the Court—I just received them. I hope they are properly numbered. That is the original for the Court and going to serve upon the government a copy.

By Mr. Silets:

Q. Now, that investigation was conducted under your supervision?

A. Mostly, yes.

Q. And that was an outgrowth of the activities of the Organized Crime and Racketeering Unit of the Criminal Division of the Department of Justice?

A. Correct.

Q. At that time you met Mr. Duffy?

A. Yes, I met him, I'd say, in May or so of 1962.

[fol. 8026] Q. But at that time you had not met Mr. Partin?

A. No.

Q. Did you meet United States Attorney Lacour?

A. I met him probably in June or July of 1962.

Q. Now, the indictment was suppressed, was it not?

A. The indictment was what?

Q. Suppressed.

A. No.

Q. Well, the record indicates in the file of the District Court of the Eastern District of Louisiana, it indicates the indictment was suppressed, you have no knowledge of that?

A. No, sir.

[fol. 8027] Q. Now, after your joint investigation with Mr. Duffy into the affairs of Mr. Partin—by the way, was it into the affairs of Mr. Partin or was it with respect to Local 5?

A. It was Local 5, Partin and others.

Q. And how many other indictments were returned?

A. Just that one.

Q. Now, subsequent to the return of the indictment against Mr. Partin, did you have occasion to work with Mr. Duffy on the Partin case?

A. Some, yes, I sure did.

Q. Throughout the summer?

A. No. We started working, I think, about May of '62, he was indicted in June of '62.

Q. Yes. But I mean after the indictment was returned?

A. Not until he received this call.

Q. That was the first contact you had with Duffy after the indictment was returned?

A. I might have been back in town in between times, I don't know for sure.

Q. You mean in Baton Rouge?

A. New Orleans.

Q. Oh, in New Orleans. Is that where the investigation took place?

A. Yes.

[fol. 8028] Q. Where the grand jury was impaneled?

A. Yes.

Q. Baton Rouge is just another division of the New Orleans district, is that it?

A. That is correct.

Q. Now, what did Mr. Duffy tell you at the time he phoned you?

A. Now, this is going back, this is the best as I recall.

Q. Yes, sir, of course.

A. He said he received a call from Sargent Pitcher and that Mr. Partin was there in Baton Rouge and he had

passed on information to Pitcher which he considered to be of a security nature and he wanted to speak to someone with the government.

Q. Did he advise you of the nature of this information?

A. No, not at that time.

Q. Now, what did you do when you received that call?

A. I probably called Sheridan and told him what I had received over the phone from Duffy.

Q. What did Sheridan have to do with Partin back in September of 1962?

A. He had never met him.

Q. Why did you call Sheridan?

[fol. 8029] A. To let him know my whereabouts, I was planning to go to New Orleans and Baton Rouge.

Q. Well, do you report to Sheridan?

A. When I leave town, yes.

Q. Well, isn't it true around September of '62 Sheridan was stationed in Nashville?

A. I would—'62?

Q. Yes.

A. I would think so.

Q. So you phoned him in Nashville to tell him that you were leaving Atlanta?

A. Washington or wherever I could find him on the phone.

Q. Why did you call Sheridan?

A. He is my boss.

Q. Why not call Hunley or somebody else in Washington?

A. Sheridan—

Mr. Neal: (Interposing) We object to that, has no basis, no relevancy to the hearing.

Mr. Silets: Oh, it does.

The Court: He has answered.

Mr. Silets: May I have the reporter read the question?

A. Sheridan is my boss.

Q. You are an attorney, are you not?

[fol. 8030] A. Yes.

Q. You are assigned to the Criminal Division of the Department of Justice as an attorney?

A. Correct.

Q. Is Sheridan an attorney?

A. No.

Q. Is it customary for an attorney in the Department of Justice to be under the supervision of a non-attorney?

A. I wouldn't know.

Q. How long have you been with the Department of Justice?

A. Three years, roughly.

Q. Is there to your knowledge any other circumstance similar to this?

A. I wouldn't know.

Q. Now, your relationship with Mr. Sheridan so that you consider him your boss, did you and Sheridan have a particular duty or assignment that would cause him to be your boss and for you to report to him?

A. No particular assignment, no, just in the organized crime field.

Q. Is Sheridan in charge of all organized crime?

A. Mr. Hunley.

Q. Well, what segment of organized crime is Sheridan in charge of?

[fol. 8031] A. I don't know if you would call it a segment or not, but he has handled a lot of union matters.

Q. Isn't it true he handles the union matters relating to the Teamsters?

A. Among others.

Q. What others does he handle?

A. I wouldn't know.

Q. Were you assigned specifically and exclusively to handle matters relating to the Teamsters?

A. No.

Mr. Neal: Your Honor, I object to this as being irrelevant.

The Court: I don't see the relevancy of it either.

Mr. Silets: Your Honor, if I am permitted to proceed, I will try to show the relevancy.

The Court: Proceed. Proceed.

By Mr. Silets:

Q. In any event, you reported to Sheridan. What did you advise him?

A. That I received this call, that I was going out to see what was going on.

Q. And he gave you authorization to do that?

A. Yes.

Q. So that you didn't have to pay your own transporta-
[fol. 8032] tion?

A. That is correct.

Q. As a matter of fact, he is in the position to authorize transportation?

A. I would think so, yes.

Q. And did he do it in this instance?

A. He said, "Go ahead."

Q. Did you put in a travel voucher for it?

A. I am sure I did, yes.

Q. Now, will you relate the conversation you had with Sheridan?

A. Roughly I recall that I passed on to him the information I received from Mr. Duffy.

Q. Well, what you have said, you haven't told us anything about any information, I mean it's been very vague. Would you tell us what you told Sheridan to the best of your recollection?

A. Okay, I will start over.

Q. Yes, sir.

A. I told him roughly what Mr. Duffy had told me.

Q. Namely?

A. That he received a call from Pitcher that Partin had information concerning national security and he wanted to speak to someone from the government, so I went over.

Q. Wasn't the name Hoffa mentioned at all?

[fol. 8033] A. No, I don't believe the name Hoffa itself was mentioned.

Q. You say at this time you didn't know, you had no idea whether Hoffa was involved?

A. No, not specifically.

Q. All you knew it was something to do with national security?

A. (Witness moves head up and down.)

Q. You are shaking your head, answer so the reporter gets that.

A. Yes.

Q. Is it your custom to fly halfway across the country to inquire of a man who says he has information about national security? Isn't this a matter for the FBI?

A. Not in this particular instance, no.

[fol. 8034] Q. Why?

A. Because Sargent Pitcher had requested through Duffy and we were meeting the request of a local law enforcement officer.

Q. Had you met Sargent Pitcher before?

A. No, I hadn't.

Q. So as I understood it you just went to Baton Rouge on the request of a man you never met before.

A. I talked with him on the phone in the past.

Q. About what, this Mr. Partin?

A. Mr. Partin, yes.

Q. And what was the nature of that conversation?

A. I believe I had been in conference with Daniels on the phone and some way or other Mr. Pitcher came on the phone more or less through introduction telephonically.

Q. Was this after the indictment was returned by the Federal Grand Jury?

A. I believe it was before.

Q. Now you actually then went to Baton Rouge and did you have an understanding or some idea where you were to go when you arrived in Baton Rouge?

A. I knew how to reach these people by telephone. I don't believe I had any particular understanding though.

Q. Well you came to Baton Rouge; I suppose that you knew that you were coming there for a purpose?

[fol. 8035] A. Yes.

Q. What was the purpose?

A. To see Mr. Partin.

Q. Well, now, how were you to see him? Was there some arrangement?

A. I called either Pitcher or Daniels and I would say it would probably be Daniels, and asked him when could I see Mr. Partin and that I would probably check into the Capitol House Hotel.

Q. You were taken to the Capitol House Hotel?

A. Peter Duffy and I drove there from New Orleans.

Q. Where was that? That Capitol House Hotel?

A. In Baton Rouge.

Q. Is that where you met Partin?

A. No.

Q. What happened at the Capitol House Hotel?

A. Well, we waited to see Mr. Partin. I believe Daniels or Pitcher said it would be two or three o'clock in the morning before we could see him. So I'm sure that Duffy and I took a nap for two or three hours before two o'clock in the morning.

Q. Did he tell you why it would be two or three o'clock in the morning before you could see him?

A. Well, he was incarcerated there.

Q. On the kidnapping charge?

[fol. 8036] A. I believe that was the one, yes. Had to wait until a jailer was on duty they could trust not to mention the fact that he was leaving the confines of the cell to talk to anyone.

Q. All right. Now, at two or three o'clock in the morning then he was removed from the confines of the cell within full observation of a jailer that could be trusted, where was he taken?

A. To Sargent Pitcher's office.

Q. Is that in the same building?

A. Same building.

Q. And you were there at that time?

A. Yes.

Q. Now, to that moment did you know what he was going to tell you?

A. Yes.

Q. Now, how did you know what he was going to tell you?

A. He had already mentioned it to Mr. Pitcher and Daniels that was the reason they called me. They had told me sometime during the day after I arrived exactly what it was.

Q. Tell us what that was.

A. The information he had?

Q. Yes.

A. It doesn't pertain to this case.

[fol. 8037] The Court: I will allow him to tell the subject matter of it, but it would not be appropriate to go into the details of it, gentlemen.

Mr. Silets: All right.

The Witness: I will be allowed to tell the outline of it, you say, but not the details?

The Court: You can tell the subject matter of it but not the details.

The Witness: Mr. Partin stated that in conference with Mr. Hoffa—

The Court: Well, just don't go into the details of it.

By Mr. Silets:

Q. Do you understand the Judge's ruling? He doesn't want you to bring out the precise matters, but just the subject matter.

A. Well, Mr. Partin stated that Mr. Hoffa told him that he would like—

The Court: Well, don't go into the details of it, sir. Just tell what—

The Witness: (Interposing) An assination plot.

The Witness: (Interposing) An assassination plot.

By Mr. Silets:

Q. What is the date of that?

A. That would be September or October, 1962 that he—

Q. (Interposing) Yes, but that is the conversation that [fol. 8038] you—

A. (Interposing) Oh, the plot?

Q. I'm inquiring about this conversation, reputed, alleged conversation between Hoffa and Partin, when was that to have taken place?

A. Sometime in the summer of 1962.

Q. And where?

A. I believe in Washington.

Q. Partin was in Washington in the summer of 1962?

A. That is what he told me, yes.

Q. Well, did you ever check it out?

A. Yes, someone did.

Q. And what did you discover?

A. He stayed somewhere in Washington.

Q. Did you discover whether he had seen the Defendant Hoffa?

A. That I'm not certain of.

Q. As a matter of fact, he never did see the Defendant Hoffa, isn't that true? Isn't that what your report discloses?

A. He had seen him on several occasions according to the reports.

Q. Yes, but specifically in the summer of 1962 all your report discloses was that he was in Washington? You have no specific information of his being with the Defendant Hoffa, isn't that right?

[fol. 8039] A. I wouldn't know. I haven't read the report lately.

Mr. Silets: Well, Judge, I would like to see the report.

Mr. Neal: Your Honor, I don't understand the purpose of this line of inquiry. We have gotten nothing about wiretapping.

The Court: No, sir.

Mr. Silets: Your Honor, may I suggest this to the Court that in order to show the illegality of the wiretap it is necessary to show that this was all a contrived circumstance both with the connivance of Mr. Partin and members of the Department of Justice. That by virtue of this connivance that the conversation as being recorded was ab initio illegal.

The Court: Well, I don't believe this contributes anything to that or to the motion which the Court is hearing. Hence, I can't see how it pertains. I will sustain the objection.

By Mr. Silets:

Q. Let me inquire of Mr. Grimsley, in this fashion; was it not true that the phone calls that were recorded of October 8 and October 18th arose and grew out of directly from your being in Baton Rouge as a result of this suggestion by Mr. Partin?

[fol. 8040] A. I had nothing to do with those recordings.

Q. I know. I understand that, sir, but is it not true that those recordings grew out of the fact that Mr. Partin was released from prison and that was on the basis of the fact that he had furnished this kind of information?

A. I don't know what their real purpose was, he and Daniels.

Q. You don't know?

A. What their real purpose was, no.

Q. Well, now, after you spoke to Daniels and Pitcher did you say on the day you arrived?

A. Yes.

Q. And they advised you of the circumstances informed by Mr. Partin, did they tell you whether Partin had anything to substantiate these charges?

A. No, I don't think they did.

Q. All right. At that point then you were—, you had flown from Atlanta to Baton Rouge, half way across the country, gotten authorization from Sheridan on unsubstantiated, wild charge; is that what it amounts to? That is what it amounts to, isn't it?

A. No, it isn't.

Q. A man incarcerated for aggravated kidnapping which carries the death penalty, isn't that right? At that point the charges were unsubstantiated?

[fol. 8041] A. At this point we had not conducted investigation.

[fol. 8042] Q. All right. Do you mean to say that on this question of national security you never knew that the name Hoffa was involved when you flew halfway across the country?

A. I don't believe I did.

Q. Do you mean you didn't or you did? Are you guessing now?

A. It's a guess, right, I don't know for sure.

Q. As a matter of fact, however, your specific duties related to labor affairs and specifically to the Teamster affairs?

A. I had other duties.

Q. But didn't they include the Teamsters and labor?

A. It did include them, yes.

Q. And that was the majority of your efforts, wasn't it?

A. It could be.

Q. Not could be, it was in fact?

A. Could be a little over 50 per cent.

Q. Yes. Now, were you present when the recording was made of the conversation of Partin and yourself, Daniels?

A. I was not present.

Q. You don't recall a recording of that sort?

A. No.

Q. Now, there were two tape recordings of telephone conversations, weren't there?

[fol. 8043] A. That's right.

Q. What dates were they?

A. I believe it was, according to the Court, the 8th and 18th of October.

Q. Don't you know?

A. Not specifically, that's from memory now, I was not there.

Q. Were they furnished to you, those tapes?

A. Yes, eventually.

Q. Sir?

A. Eventually, yes.

Q. And when were they eventually furnished to you?

A. The tape of the 18th, which was the latter tape, was furnished to me around, I'd say, December of '62 and the earlier tape, the one of the 8th, was probably given to me last summer, that's a guess, or last spring.

Q. When were you advised of the contents of the recordings?

A. Somewhere around the 20th or so of October, that is just a rough guess.

Q. That's when Partin met you in Atlanta?

A. Yes.

Q. That's the first time you knew of the contents?

A. I believe Daniels might have told me on the phone the contents.

[fol. 8044] Q. Now, you were aware also, weren't you, that other telephone conversations were being recorded?

A. They had told me this, yes.

Q. And were the contents of those conversations made available to you?

A. No.

Q. Now, prior to the 8th, the phone call of the 8th of October, is it not true that you, or a member of the staff of the Organized Crime Unit of the Department of Justice, consulted with Mr. Robert Erdahl to determine whether these recordings were possible?

A. I never consulted with him.

Q. Well, to your knowledge did anyone ever in your office or the office of the Organized Crime Unit?

A. No, sir.

Q. Well, when was the first time you had a conversation with your superiors concerning these telephone conversations between Partin and Hoffa?

A. I would say about the same time that I learned it, around the 20th or so of October.

Q. And who did you advise

A. Mr. Sheridan.

Q. In Nashville?

A. If he was in Nashville or Washington, wherever he might have been.

[fol. 8045] Q. Well, have you ever met with Mr. Erdahl concerning this case?

A. Never.

Q. Well, have you met with him on the theoretical proposition of whether these phone conversations or any phone conversations could be recorded?

A. No, I haven't.

Q. Now, the other conversations that were recorded, do you know the contents of them?

A. No.

Q. Did you ever see the recordings themselves?

A. Of other telephone calls?

Q. Yes.

A. No, I don't think so.

Q. Weren't they monitored and overheard and transcribed by the Department of Justice?

A. The only ones I know are the two that is in evidence here.

Q. What about the call from Partin to Hoffa on October 10th, wasn't there a recording of that?

A. Not to my knowledge.

Q. Well, you know that call, don't you?

A. I know a call was made, I don't know what was in it.

Q. That was made from the office of the Local?

[fol. 8046] A. I wouldn't know.

Q. You don't know? You don't have any knowledge of that at all?

A. I do know there were some phone calls between the 8th and the 18th but I had no knowledge of what transpired in those calls.

Q. You, personally, have no knowledge of whether those calls were recorded?

A. I have no knowledge personally.

Q. Do you have any hearsay knowledge?

A. No hearsay.

Q. But you do know that there were phone calls between Partin and Hoffa between the 8th and the 18th?

A. That's my understanding, yes.

Mr. Silets: Now, your Honor, I think this is the basis for our demand that the recordings that were made by the Witness Partin concerning his telephone conversations should be heard and examined by the defense to ascertain whether the calls by Partin to Hoffa on the 10th and the 14th were similarly recorded.

The Court: Well, he states he has no knowledge of any such thing. Let's proceed.

Mr. Silets: But—no, sir—but I developed through him that he knows that there were such calls. That is what I am pointing out to the Court.

[fol. 8047] The Court: Well, let's proceed.

By Mr. Silets:

Q. Mr. Grimsley, after you saw Partin in—while you saw him in Atlanta he discussed these phone conversations that were recorded?

A. I believe he discussed them in general, not in detail.

Q. Was there any discussion of his recording phone conversations when he got to Nashville?

A. No such conversation.

Q. Did you authorize him to do that?

A. I would not have.

Q. Why wouldn't you have?

A. Because I wouldn't have the authority.

Q. Who would?

A. I don't know.

Q. Would Walter Sheridan have the authority?

A. Not to my knowledge.

Q. At that point wasn't Partin working under the auspices of Walter Sheridan?

A. Was what?

Q. Wasn't he working under the auspices or direction of Walter Sheridan?

A. I would think not, not directly.

Q. Well, you mean indirectly?

[fol. 8048] A. Possibly, yes.

Q. All right. Will you tell us what you mean by his working indirectly for Sheridan?

A. He was following the instructions that I had given him in Atlanta to keep his eyes and ears open when he was in Nashville and if he heard anything of interest to call Sheridan.

Q. Now, you, in fact, were just passing a message on that you had obtained from Sheridan, isn't that right?

A. He didn't give any such instructions.

Q. You mean you had done this on your own volition?

A. Yes.

Q. You had sent Mr. Partin into Nashville with these instructions on your own authority?

A. He was requested to go to Nashville; as I recall he told me he had been invited to Nashville.

Q. That is what he told you?

A. Yes.

Q. Now, at this time had you heard the telephone conversations?

A. No.

Q. But you were told of their contents, weren't you?

A. Like I say, in general, yes.

Q. And who told you those contents?

A. It would be Partin and Daniels.

[fol. 8049] Q. Now, didn't Daniels tell you, in fact, that Partin had asked Hoffa if Partin could come to Nashville to see him, isn't that the truth?

A. No, he told me that Hoffa had invited Partin.

[fol. 8050] Q. Well, then, based upon that allegation and that statement by Mr. Partin, that Hoffa had invited Partin, you then directed him to go to Nashville and to keep his eyes and ears open?

A. I didn't direct him. I requested that since he was going would he do this.

Q. Now, Mr. Grimsley, had you known that the statement made to you by Mr. Partin that Partin had—that Hoffa had asked Partin to come to Nashville was in fact false and the situation was reversed, that Partin had asked Hoffa if Partin could go to Nashville—

A. (Interposing) Well, my understanding was that he had been invited by Mr. Hoffa.

Q. I understand that. If you had known to the contrary, what action would you have taken?

Mr. Neal: Well, your Honor, that is a hypothetical question. I object.

The Court: Sustain the objection.

Mr. Neal: In the first place, I don't think it is to the contrary.

Mr. Silets: All right.

By Mr. Silets:

Q. When did you speak to Partin next?

A. Do you mean after October 20th? Or thereabouts?

A. Yes. Yes.

[fol. 8051] A. I would say the middle of the week of October 20 something.

Q. Well, were you in Nashville?

A. No, he talked to me by phone.

Q. This was the middle of the week?

A. Thereabouts, yes, I'd say Wednesday or Thursday.

Q. Was he back in Baton Rouge when he called you?

A. No, he was passing through Atlanta en route to Baton Rouge.

Q. All right, sir. Now, isn't it true that Mr.—, is it not true, Mr. Grimsley, that Mr. Partin was given a code name Anderson or Andy?

A. Yes.

Q. Now, isn't it also true that on October 22, 1962, the code name Anderson called you from Nashville, 242-9382, and he called you in Clarkston, Georgia, at 443-7085?

A. What date was this, sir?

Q. October 22nd, first day of the trial.

A. He could have.

Q. Well, I though you just got through saying he called you on Wednesday and Thursday when he passed through Atlanta?

A. I don't know exactly what date the trial started.

Q. Well, bring the calendar here. Now, you know that the first day of trial was on a Monday, don't you? You [fol. 8052] don't start—

A. (Interposing) Monday, that's right.

Q. Now, Wednesday and Thursday is the 24th or 25th. You know that now, don't you?

A. Yes. I see 24th or 25th there.

Q. Now wasn't Partin—, let me ask you this, was Partin given a United States credit card?

A. No.

Q. He was, though, told to charge his calls to your credit card?

A. No.

Q. Was he—, well, let me ask you this then, did he charge any calls on a United States credit card?

A. Not to my knowledge.

Q. Did he call any—, were these calls collect?

A. Except when he called collect.

Q. Then when he called collect, it would be charged on your credit card and you have a United States credit card?

A. That's correct.

Q. As a matter of fact, it begins one something, could you give it to us?

A. I think it is 150-7785-8-32.

Mr. Neal: Your Honor, I still don't see the point of this line of inquiry. We object to it as being irrelevant.
[fol. 8053] The Court: Well, let's proceed. I don't either, but let's proceed.

By Mr. Silets:

Q. What were you doing in Clarkston, Georgia, on the 22nd?

A. That is my home. That is my telephone exchange, put it that way.

Q. What did Partin tell you on the 22nd of October?

A. I wouldn't—I can't recall.

Q. Do you mean you didn't make a note of it?

A. No.

Q. It is not your practice to make notes?

A. Not unless it is very important to me.

Q. Now how long did you stay in Clarkston?

A. Pardon? How long did I stay?

Q. Yes.

A. I lived there I guess a year or so.

Q. No, sir, I mean, in this week of October 22nd?

A. I was there probably all week.

Q. By the way, sir, whose idea was it to call Partin Andy? Or Anderson?

Mr. Neal: Well, now, your Honor, I object to it.

The Court: Sustain the objection. Let's proceed.

Mr. Silets: Well, your Honor, I think that we are entitled to ascertain the circumstances by which this man—
[fol. 8054] The Court: (Interposing) Well, let's stay within some reasonable bounds of the purpose of the motion, namely, the two telephone conversations.

Mr. Silets: Your Honor, I'm trying to develop and I think I can develop that there were other phone calls that had never gone into the record that may in fact have been recorded in the same illegal fashion.

The Court: Well, let's proceed in accordance with the Court's instructions. I sustain the objection.

Mr. Silets: Your Honor, I will try to abide by the Court's instructions, but I respectfully take exception thereto.

By Mr. Silets:

Q. Well, when was the code name Andy assigned? Andy or Anderson? It is both, is it not?

A. I wouldn't know when it was assigned. It was probably arrived upon sometime in October 1962. That is as close as I could give you.

Q. What was the purpose of it?

A. To prevent his identity from becoming known.

Q. Now from time to time Anderson or Andy, that is, Partin, called you, did he not?

A. Yes.

Q. What were the substances of the conversations? What did he say to you when he called?

[fol. 8055] The Court: How could that be material? We are not here, Mr. Silets, to go on a fishing expedition today, even though the jury has been excused.

Mr. Silets: I understand that, your Honor, but a motion to suppress, with all respect to the Court, is not always confined to the strict rules that we have before a jury.

The Court: No, sir, and I'm trying to allow you the greatest liberality in that respect, but—

Mr. Silets: (Interposing) As a matter of fact, on a motion to suppress, your Honor, I'm even permitted or the authorities permit me to go into hearsay to ascertain whether in fact these things were illegally done and whether there were other illegal—

The Court: (Interposing) Well, now, we are not going into a fishing expedition over the past several years. We are talking about two telephone conversations on October 8 and October 18 and those calls are the basis of the—, those calls are the basis for the hearing that we are having.

Mr. Silets: I understand, your Honor, but I want to point out this to the Court, if I may, that if these calls and the circumstances attendant around these calls are illegal, then on the motion to suppress we are permitted

and should be permitted by all authorities to inquire of what the fruits of that illegal effort was. And if any other [fol. 8056] activities were similarly conducted in an illegal fashion, then those that are developed on the motion to suppress may be suppressed. Now the mere fact that at the time the motion to suppress is based upon some information relating to one precise event does not preclude the Court and the party making the motion to suppress to inquire and proceed from that event to establish what in fact was entirely illegal. Now that is my motion, your Honor. I think the cases support me.

The Court: Let's proceed.

[fol. 8057] Mr. Silets: May I have a ruling then from the Court? Is the Court going to restrict me from proceeding on these other phone calls and the circumstances attendant to the other phone calls? I mean calls other than the 8th and the 18th?

The Court: I can't see what relevancy they have to recorded calls on the 8th and the 18th of October.

Mr. Silets: Well, Your Honor, I have tried in my own way to—

The Court: (Interposing) What you are suggesting, I take it, is that you want to now explore the entire field as to whether there were any other recordings of any kind; is that the purpose of your inquiry?

Mr. Silets: That is a partial purpose.

The Court: Well, that is exactly the purpose the Court thinks is not proper. We are not here for the purpose of going on a discovery into areas upon which there is no foundation laid and you can't use this hearing as an attempt to law some foundation to go into other wholly unrelated areas.

Mr. Silets: All right. Your Honor, may I just clearly state my position? It is my position that if phone calls of the 8th and 18th are illegal and those efforts themselves indicate a course of conduct by the witness Partin, that then I am entitled to inquire of similar phone calls, similar

[fol. 8058] courses of conduct, to ascertain whether those were equally developed in an illegal fashion.

Secondly, that if the events which followed after the 18th grew out of or developed from an illegal act or event then I am entitled to inquire of that and participate with the witnesses to develop that so that the Court may suppress those.

The Court: Well, the latter statement, the latter proposition that you state the Court would consider to be proper; the former proposition you state the Court is not aware of any authority for that proposition.

Mr. Silets: Well, I don't know how I could separate the two because even if the Court rules my examination is proper as to the latter proposition I would still have to inquire as to events and calls subsequent to the 18th.

The Court: Well, let's proceed and see where we are going.

Mr. Silets: May I call upon the Court for a ruling on this matter so I don't detain the Court, I don't detain the witness?

The Court: Well, the Court has indicated to you, I think as clearly as I can, what the purpose of this inquiry is and it relates to the recordings on the 8th and the 18th.

Now, as to any fruits of those, as you have described it, the Court will allow you to inquire but the Court does not [fol. 8059] think it is proper upon this proceeding to enter into a general broad discovery procedure to see if they can find if there was anything else ever done at any time.

Mr. Silets: Well.

The Court: Of a similar nature.

Mr. Silets: Yes, sir. I don't want to prolong my discussion with the Court because I would like to proceed.

The Court: Well.

Mr. Silets: But I just wanted to indicate to the Court—

The Court: (Interposing) Well, proceed then.

Mr. Silets: All right.

By Mr. Silets:

Q. Now, on this call of October 22nd when Anderson or or Partin called you from Nashville can you give us your best recollection of what he told you?

A. I can't recall it other than the fact that he might have been seeking how to reach Sheridan, maybe he could not reach Sheridan or something, I just don't know.

Q. You just don't have any memory?

A. To that one.

Q. You said, though, that there was a call around Wednesday or Thursday.

A. That is correct.

Q. Did you call him or did he call you?

[fol. 8060] A. He called me.

Q. And where did he call you from?

A. I presume the airport, I think he was in Atlanta when he called me, it appeared to be a local call.

Mr. Schiffer: Pardon me. May I interrupt just one moment? I understand Mr. Sheridan is in the courtroom. Since he is a potential witness may we have him excluded during the course of this examination?

Mr. Neal: Be all right with the government, however, I did tell him that it would be all right to be here since I understood that Daniels and Grimsley were the only two names mentioned. If they want him excluded we can do that.

The Court: All right. All right. Let's proceed.

(Thereupon, Mr. Walter Sheridan was excluded from the courtroom.)

By Mr. Silets:

Q. That is the same Mr. Sheridan we have been talking about.

A. That is Mr. Sheridan, yes.

Q. Now, he called you on a local call, is that your testimony?

A. Yes.

Q. What did he tell you then?

A. Well, he was on his way back to Baton Rouge, that [fol. 8061] he had talked with Sheridan, that he had met some people in Nashville, I believe one was a fellow he thought at first was named Guinn or Tweel or something like that.

Q. Guinn or Tweel or something like that?

A. At first he said but he later learned that his name was Tweel.

Q. And you say that was on the 24th or 25th?

A. Somewhere in the latter part of the week.

Q. Are you observing Mr. Neal's machinations?

A. I wasn't noticing in particular.

Q. All right. Did you make a note of that conversation?

A. No.

Q. Now, what did he say about Mr. Anthony Quinn?

A. As best I recall he said that he was down to help Mr. Hoffa with the jury.

Q. Did he tell you about him reporting to Mr. Sheridan as to that matter?

A. Not as to that specific matter, no, but he said he had been in contact with him.

Q. Did he tell you whether Mr. Sheridan had come into the lobby of the hotel to see who Anthony Quinn was?

A. No, he didn't.

Q. He didn't go in any of those details?

A. No.

Q. You don't have a single note?

[fol. 8062] A. No notes.

Q. No notes. All right. When is the next time you talked to Anderson or Partin?

A. It might have been two or three weeks after that, it was awhile I didn't hear from him.

Q. You mean the next conversation you had with him was, oh, sometime in November?

A. I would say yes, to the best of my knowledge.

Q. Now, isn't it true, sir, that on the very next day, October 26, you made a station call from Clarkston 443-7085 to Baton Rouge 335-6—, I have got one too many digits—, 335-62531 at the Holiday Inn on your credit card, October 26th?

A. No, I would say not.

Q. Do you mean the records—

A. (Interposing) I don't recall placing such a call, no.

Q. You were in Clarkston, Georgia, at the time, weren't you?

A. I would think so.

Q. And whose number is 443-7085?

A. That used to be my number.

Q. On or about October 26th, 1962?

A. Yes.

Q. You say that you did not call the Holiday Inn in [fol. 8063] Baton Rouge?

A. Not to my knowledge, I don't think I ever have.

Mr. Silets: All right. May I ask the clerk to bring in those phone records?

By Mr. Silets:

Q. Now, you knew as a matter of fact—, by the way, who was in Childersburg, Alabama?

A. I don't know.

Q. Well, as a matter of fact, on the same day of October 26th, 1962, you called Childersburg 378-7156 on your credit card from Clarkston, Georgia, 443-7085?

A. I might have called there like I called Baton Rouge, I don't know the dates, that's two years ago.

Q. Yes, sir, but that is the same week, we are talking about a specific week. You said you didn't talk to Partin until three weeks later, sometime in November, talking about Friday, October 26, 1962.

A. I could have, I don't know.

Q. All right.

A. I talked with him several times.

Q. Who did you call in Childersburg?

A. He was probably there if I called Childersburg.

Q. You mean you couldn't find him at the Holiday Inn?

A. If I failed to locate him anywhere I would keep calling at the numbers he had given me.

[fol. 8064] Q. All right. The day before you said that he had passed through on his way to Baton Rouge?

A. That was my understanding, yes.

Q. All right. So you tried to reach him in Baton Rouge. Was he residing at the Holiday Inn?

A. He has stayed in the Holiday Inn, he has stayed in several motels.

[fol. 8065] Q. Now, was that at the suggestion of the government?

A. No.

Q. Whose suggestion was it?

A. Probably his own idea.

Q. Who was paying his bill?

A. That I don't know.

Q. You know what was your conversation with Mr. Partin about? For what were you looking so vehemently?

A. I wouldn't really know.

Q. You have no idea?

A. No.

Q. Was it at the suggestion of Mr. Sheridan that you called him?

A. If he had said for me to call him I would have, yes.

Q. Can we see your notes, sir, concerning that conversation?

A. I have no notes.

Q. Well, could we then see your notes concerning the instructions from Mr. Sheridan?

A. No notes.

Q. No notes?

A. They were simple instructions.

Q. Sir?

A. They would have been simple instructions. No notes [fol. 8066] would have been necessary.

Q. Simple?

A. Simple.

Q. Simple, not symbol?

A. That's right.

Q. All right, can't remember that conversation. When was the next time you talked to him in November?

A. I would guess that. All this is guesswork now. This is two years ago and I would say in November.

Q. Well, isn't it true that you called him the next day on October 27th?

A. If I was told to, I did.

Q. Oh, you mean you called him because you were told to?

A. If I was told to, yes.

Q. Well, were you told to?

A. Not to my knowledge.

Q. How did you happen to speak to him on the following day?

A. That I don't know.

Q. Well, don't you recall your receiving a call from Anderson in Childersburg at 378-7156 collect to Frank in Clarkston, Georgia, at 443-7085, billed to your United States credit card? Don't you remember that?

A. I have had some calls to me in Clarkston. It could [fol. 8067] have been on this date. I don't know.

Q. Well, what did you talk to him about there?

A. I don't remember.

Q. Isn't it true that these conversations, in these conversations you were trying to set up these defendants in this case with the collusion of Mr. Sheridan?

A. No.

Q. Well, then tell us what you said.

A. I don't recall.

Q. Well, how many times did you talk to him that week?

A. Well, you say two times. I thought it was only once.

Q. Well, did you talk to him again that Saturday?

A. I don't recall.

Q. All right. As a matter of fact, in that week did you have a call on the 22nd, 26th and 27th that you spoke to him actually three times? Does that help refresh your recollection?

A. No. I recall only the one conversation he made to me passing through.

Q. Well, do you think telephone records lie?

A. No, I don't.

Q. All right. If we show you the telephone records and you can read that Swiss cheese holes, will that convince [fol. 8068] you you spoke to him three times?

A. If you say I did and you have the proof, that is ample, but I don't know what they were about.

Q. Who is John Black in Nashville, Tennessee?

A. John Black?

Q. Was that a code name for Sheridan?

A. I don't know Mr. Black.

Q. I am asking you, sir, was that a code name for Mr. Sheridan?

A. Not to my knowledge.

Q. Do you know what Mr. Sheridan's number was in Nashville, Tennessee?

A. I knew it once when I called it.

Q. Let me refresh your recollection, 244-1480.

A. That one I don't recall.

Q. Well—

A. (Interposing) Specifically. He had three or four numbers.

Q. Does that sound familiar to you?

A. Possibly. I don't really know.

Q. As a matter of fact, wasn't that a number at which Anderson or Partin was to call Sheridan?

A. That I don't know.

Q. And you don't know what Sheridan's code name was?

A. I don't know that he had any.

[fol. 8069] Q. You don't know John Black in Nashville at 244-1480?

A. No.

Q. Would it help you to refresh your recollection that a call to that number was received collect and charged to a United States credit card, Mr. Walter Sheridan's credit card?

A. That doesn't help any either.

Q. Did Mr. Sheridan ever tell you that at that time Mr. Partin was reporting to Sheridan almost daily between the 22nd of October and the 20th of December concerning matters of the Nashville case?

A. Mr. Sheridan told me that he was reporting to him, yes, as to what had occurred.

Q. He did tell you that?

A. Yes, sir.

Q. When was the first time that Sheridan advised you that he was receiving almost daily reports?

A. I don't know about the word daily reports.

Q. Well, almost?

A. Reports, well, we will put it this way. It would probably have been the first week of the trial.

Q. Did you actually see Sheridan during those early weeks of the trial in Nashville?

A. No.

[fol. 8070] Mr. Neal: Your Honor, if time is somewhat of the essence, I think we can stipulate a lot of these matters. We stipulate—

Mr. Silets: (Interposing) Tell us what you can stipulate.

Mr. Neal: We will stipulate that Mr. Partin was reporting directly to Mr. Sheridan. I think it has been brought out in the testimony before.

The Court: Well, I don't think that is going to save any time.

Mr. Neal: We will be willing to stipulate more.

Mr. Silets: Tell me what. I'm trying to stipulate. I will be willing to stipulate.

Mr. Neal: If I knew which way you were casting your rod, I might be willing to stipulate.

The Court: I don't think we are going to save any time but let's proceed. I would appreciate you trying to relate the matters we are here for.

Mr. Silets: Sorry, I didn't hear your Honor.

The Court: I said I would appreciate you trying to relate the purposes to the matters we are here for. Let's go.

By Mr. Silets:

Q. Yes, sir, I will try my best. Now, Mr. Grimsley, the next call you actually received from Partin was on Novem-
[fol. 8071] ber the 3rd, wasn't it, that is the week after the calls you exchanged with him on the 27th?

A. I don't recall the dates. You furnish them.

Q. Does that sound familiar?

A. I would have heard from him in November. I don't know the date.

Q. As a matter of fact, you were still in Clarkston, Georgia, at 443-7085?

A. Could have been, yes.

Q. And there was a phone call that you received from Baton Rouge, Local No. 5, 924-1757. Is that right, on Saturday, November 3rd?

A. I don't recall the dates. If you say I received the call, okay.

Q. All right. Okay. What did you talk about?

A. That I don't know.

Q. Well, sir, you know you talked to him, you had frequent conversations that seem to be somewhat apparent; what was the general subject matter of his conversations with you?

A. He could have been talking to me about a matter wholly unrelated to any of this.

Q. Do you mean to tell this Court that all these phone calls during the course of the Nashville case entitled United States vs. James R. Hoffa and Commercial Carriers, In-
[fol. 8072] corporated, all those calls between you and Partin related to a matter unrelated to the Nashville case and unrelated to this case?

A. Some of the calls were and could have been.

Q. All right. Tell us about those.

A. Some of those are matters presently under investigation.

Q. Well, you are on the witness stand, sir.

A. It related to an NLRB official.

Q. Who was that?

A. Down in Louisiana.

Q. What is his name?

A. Sewell Fine.

Q. Why was he reporting that to you?

A. He had some information regarding this individual.

Q. Has that individual ever been indicted?

The Court: Now, gentlemen, let's stay in some reasonable relationship to this lawsuit.

Mr. Silets: Well, your Honor, I am trying to develop—

The Court: (Interposing) Yes, I understand what you are trying to develop but this is just wholly unrelated to anything conceivable to this motion, Mr. Silets.

By Mr. Silets:

Q. All right, Mr. Grimsley, these phone calls that you [fol. 8073] had back and forth with Mr. Partin are otherwise known as, or also known as, called in your trade, also known as Anderson, did you ever record those conversations?

A. No.

Q. Did Partin ever record the conversations?

A. Not to my knowledge, no.

Q. Have you ever seen any transcription of those conversations?

A. No.

Q. Did you make a report of those conversations to Walter Sheridan or anyone else?

A. I probably would have if they were important enough.

Q. I am sorry, I didn't hear you.

A. If they were important enough I would have.

Q. Well, were these conversations important?
A. I can't recall.
Q. Well, if they were, you would have reported that to Walter Sheridan?
A. I would have told him, yes.
Q. Did you reduce that to writing?
A. Very seldom.
Q. Doesn't the Department of Justice have any files?
A. I am sure they do.
Q. But not with respect to Partin or Hoffa on this case?
[fol. 8074] A. I don't know about that either. I know I do not.
Q. Well, who would have?
A. The Department, if anyone. I wouldn't know.
Q. Of course, your Honor—

Mr. Silets: Of course, your Honor, now this points out the necessity for the motion served the other day on the only representatives of the government we have.
The Court: Proceed.

[fol. 8075] Q. Mr. Grimsley, Mr. Sheridan has testified previously in this lawsuit that he never passed any information on concerning the activities of Mr. Partin.
Now, you testified that he advised you and you and he consulted with one another. Can you tell us how that can be reconciled?

The Court: Isn't that argumentative?
Mr. Silets: All right, your Honor.

By Mr. Silets:

Q. You did, in fact, have such conversation with Sheridan?
A. At what time?
Q. During the first week?
A. I may have had one or two with Mr. Sheridan.
Q. One or two. And you had similar conversations thereafter concerning Partin and his role in the Nashville case?
A. A few probably.

Q. How many is "a few," sir?

A. Two or three.

Q. So we have two or three in the first week and two or three thereafter?

A. That would sound about right. I lost contact with the Nashville trial once it started, I went about my work elsewhere.

[fol. 8076] Q. Sir, didn't you from time to time call Mr. Sheridan?

A. Yes, I called him on other matters.

Q. Not on the Nashville case?

A. I might ask him, "How is it going?"

Q. That's all?

A. Or anything else.

Q. During this time you were getting these calls from Partin, didn't you just get through saying that you passed this information from Partin on to Sheridan?

A. If he had any to pass on, I would, yes.

Q. Well, then, it was more than two or three times you talked to Sheridan?

A. I won't say how many times I talked to Sheridan.

Q. All right. It could be more, though?

A. It could be a dozen, I don't know.

Q. And that's throughout the course of the trial, October, November, and December '62?

A. Yes.

Q. Sir?

A. Yes, I said yes.

Q. All right. You have already indicated that Partin told you about Anthony Quinn, also known as Nicholas J. Tweel. Did he tell you what—what did he tell you, if anything, about the other defendants in this case?

[fol. 8077] A. I believe he said that at this particular time that Tweel was a friend of Mr. Dorfman and I believe he also said that when he was about to leave that Mr. Hoffa said, "Come back, I may have something I want you to pass out for me," or words to that effect, I don't know, I don't remember exactly.

Q. Now, what about the other defendarts besides Hoffa and Tweel and Dorfman?

Mr. Neal: Objection, your Honor, as being irrelevant to the question before the Court.

The Court: Well, allow him to proceed.

By Mr. Silets:

Q. Did he mention Thomas Ewing Parks?

A. No.

Q. Never?

A. Not at this time I know.

Q. Well, I'm not talking about this time, I am talking about the course of the case.

A. I can't recall, I don't believe he did, though.

Q. How about Ewing King?

A. At this point I believe he has mentioned Mr. King's name, yes.

Q. All right. Tell us what he said.

A. I believe he said that Mr. Hoffa was jumping on Mr. King for not getting to the jury.

[fol. 8078] Q. Sir?

A. Mr. Hoffa was jumping on Mr. King for not getting to the jury.

Q. Is that all he said?

A. Or words to that effect. I don't recall very much. He didn't report to me on this Nashville matter as such.

Q. These were just asides, volunteered statements?

A. Yes.

Q. What did he say about Hoffa?

A. I believe at one time he said that Mr. Hoffa stated that he had a colored juror in his hip pocket.

Q. Is that all he ever told you about Hoffa?

A. That's about it.

Q. What about Larry Campbell?

A. I don't recall the name Campbell at all.

Q. These conversations you are relating are conversations between you and who?

A. Mr. Partin.

Q. Did you ever have conversations with Mr. Sheridan concerning these same subject matters?

A. Not at the time, no, it would be later on after the trial.

Q. You mean never during the trial?

A. I didn't discuss any of this because he had already [fol. 8079] been reporting to Sheridan, this was just general information he passed on to me.

Q. He said nothing about Larry Campbell?

A. I don't recall the name Campbell at all.

Q. What about Dorfman, the only time he mentioned Dorfman was concerning that first day with Anthony Quinn?

A. I believe that is it, because I talked with him about the trial either two or three times during the course of the trial.

Mr. Silets: One moment, your Honor.

By Mr. Silets:

Q. Now, on or about November 19th, 1962, didn't Partin visit you in your office in Atlanta?

A. He has never been in my office in Atlanta?

Q. Well, did you meet with him in Atlanta?

A. Not at that time, no.

Q. Well, when did you meet with him in Atlanta besides October 20th?

A. I think the next time would have been the spring or late winter of '63.

Q. You don't remember him being in Atlanta with you on November 19th?

A. No, I don't, he wasn't there with me.

Q. Did he speak to you at that time?

A. If he was passing through town, he might have by [fol. 8080] phone.

Q. And do you have a recollection of what he told you?

A. I don't have any recollection of even a phone call at this time of that specific date.

Q. When you met with Partin in Atlanta in the presence of Mr. Daniels, you met in a hotel room, is that right?

A. That is correct.

Q. And in whose name was the hotel room registered?

A. Mr. Partin registered, I believe he probably used the name C. B. Johns, he used that name a lot.

Q. What hotel was that?

A. That would be the Dinkler-Plaza.

Q. And weren't you there at the time, hadn't you arrived before Partin?

A. No, he was there first, I am pretty sure.

Q. What about Daniels, when did he arrive?

A. They came together.

Q. Now, do you mean to say that they came together and registered or was the room already registered for them?

A. I think they picked up the room themselves.

Q. You had nothing to do with it?

A. I might have called and had it made, I don't rightly recall.

Q. Do you think that you might have called and had it [fol. 8081] made in the name of Johns?

A. I don't know about the name of Johns, but I know I could have called and had some reservations made.

Q. For whom?

A. It would have been in my name, if any, but the only one I recall on that was the Hilton Inn at a later date in Atlanta.

Q. Well, all right. When was—what was this Hilton Inn, when was that?

A. That would have been sometime in '63 after Mr. Hooker had decided to represent the government in this case.

Q. That would have been about April?

A. It would have been after he decided to come into the case, I don't know the date.

Q. Well, Mr. Hooker testified that he became a representative of the government around April 1st of '63.

A. That would probably be sometime in April or May.

Q. That was before the indictment was returned?
A. I don't know, really.
Q. The indictment was returned on May 9?
A. That sounds about right.
Q. Sounds about right that it was before that?
A. No, the date of the indictment, I don't know when it was, after the indictment or before.
Q. Did you ask the District Attorney, Mr. Pitcher, in [fol. 8082] Baton Rouge, to postpone Partin's kidnapping trial?
A. No.
Q. Did you have knowledge or any participation—strike that—did you have any knowledge of the return of the children in the kidnapping case?

Mr. Neal: Your Honor, it's almost impossible to see where this is going and why does he even want to do it? Has no relevancy.
The Court: Sustain the objection.
Mr. Silets: I have nothing further.
The Court: All right. Anything further of this witness? If not—
Mr. Neal: (Interposing) Just one question.

Cross examination.

By Mr. Neal:

Q. Mr. Silets talked about a wild rumor and so forth respective to an assassination. Did you or someone give Mr. Partin a lie detector test on that?
A. The FBI gave him one, yes.
Q. And what were the results?
A. That he was telling the truth.

Mr. Silets: Could we have a copy of the lie detector report now that the government has opened that up, your Honor? We would call upon the Court to turn it over to us. [fol. 8083] The Court: It wasn't material to begin with on this motion, and it isn't material now. Let's proceed.

Cross examinaton.

By Mr. Silets:

Q. Who gave this test, sir?
A. Some agent of the FBI.
Q. Was his name Smith?
A. Smith or Schmidt, I am not sure.
Q. By the way, can you tell the Court why Partin was turning over all of this information?
A. Not specifically, no.
Q. Well—

Mr. Hooker: (Interposing) We object to that. That would be an opinion on the part of the witness.

Mr. Silets: Only if he knows, your Honor.

The Court: Well, it's not material to this motion. All right. Let's proceed. Call your next witness.

(Witness excused.)

Mr. Reddy: Your Honor, we have our instructions, requested instructions, ready to hand up.

The Court: Mr. Branstetter, have you yours?

Mr. Hooker: There is one more, if your Honor please, that will be in later. Is it Daniels you want?

Mr. Silets: Yes. Your Honor, we offer as part of the motion to suppress, of course, the same offer of proof [fol. 8084] that I made the other day with all the copies of the transcript, we also offer the full previous testimony of Mr. Grimsley in addition to what he has testified here this morning.

The Court: All right.

[fol. 8085] Mr. Silets: Your Honor, would Your Honor consider a short recess before we put Mr. Daniels on rather than get involved?

The Court: All right.

Mr. Silets: I would appreciate it.

The Court: You may be in recess then.

The Witness Daniels: I apologize to the Court for being late this morning.

The Court: All right. Gentlemen, just a moment, before we are in recess let's straighten out the instructions, the jury instructions. I have received a copy of the government and I have received additional requests on behalf of the Defendant Campbell. Do I understand that I have received them from all parties?

Mr. Neal: We have one more, Your Honor.

The Court: The government has one more?

Mr. Neal: One more request.

The Court: When will that be made available?

Mr. Neal: It is being typed now, Your Honor.

The Court: Make it available this morning?

Mr. Hooker: Yes, sir, soon as we get it back.

The Court: Let's be in recess.

(Thereupon, at 10:25 o'clock a. m., court was in recess.)

(Thereupon, after recess, court was in session.)

[fol. 8086] William Hawk Daniels, a witness called at the instance of the defendants on the motion to suppress, having been previously duly sworn, was recalled and testified further as follows:

Further redirect examination.

By Mr. Silets:

Q. Mr. Daniels, you are the same Mr. Daniels who was sworn previously?

A. I am.

Q. You understand you are still under oath?

A. Yes, sir.

Q. Mr. Daniels, you have testified and explained in some detail the use of an IBM recording device and the obtaining therefrom recordings of two telephone conversations on October 8 and October 18, 1962 between the defendant Hoffa and a witness, Edward Grady Partin, do you recall that?

A. Yes, sir.

Q. Now, at any time either before, during or after making of those recordings, did you or any member of the office for which you work consult with the Department of Justice concerning the making of those recordings?

A. Sir, as I testified previously, the contents of the recordings were made known to the Department of Justice but if I have understood the question, did we consult with the Department of Justice incidental to making these re-
[fol. 8087] cordings, the answer is no.

Q. Any consultation or discussion with respect to the mechanics of making the recordings?

A. Not that I recollect, sir.

Q. Any conversations or discussions with the Department of Justice or any representative thereof either United States attorney, organized crime or some place in Washington, with respect to the legality of making those recordings?

A. No, sir. We think we know the law as well as those gentlemen.

Q. So you never consulted, is that your testimony?

A. That is my testimony.

Q. Have you ever met a Mr. Erdahl?

A. No, sir. Not to my recollection.

Q. To your knowledge did Mr. Erdahl consult with any member of your staff or any member of the staff of the office of the District Attorney or any law enforcement office in the state of Louisiana concerning the making of the recordings?

A. Not to my recollection. Would you identify the gentlemen a little bit more perhaps?

Q. Yes, sir, he is apparently the chief of the appellate division—, chief of the appellate section of the criminal division of the Department of Justice.

A. No, sir.

Q. Can you tell the Court why the conversations be-
[fol. 8088] tween Hoffa and Partin were recorded?

A. As I testified previously, Mr. Hoffa's conversation, those of the 8th and the 18th were a series of telephonic exchanges that were recorded commencing on the 6th of September, 1962.

Q. Why would these conversations be recorded in the first instance, the entire series?

Mr. Neal: Your Honor, I wonder if—, I have endeavored as the Court will remember, not to have or to avoid certain matters being brought out in public. I asked for a hearing in chambers as the Court will remember when the press was excluded and at my request certain matters were excluded. Now, Mr. Silets insists on bringing certain matters out. I don't think that it is necessary to go into this or it is proper to go into this. It looks to me like it is some way without bringing these matters out. As I say, the government has endeavored, I at least have endeavored to avoid by having the press excluded. It seems to me we could determine the issues or determine the evidence with respect to these issues without going into these matters.

[fol. 8089] The Court: Well.

Mr. Neal: Now, but—I have no objection, the government is not objecting to any matter that is relevant to determine any recording.

Mr. Silets: Well, the inquiry then is this, is it the government's position that these recordings relate to this subject matter that you are referring to? I didn't understand that these recordings related to this secret session subject matter at all.

The Court: I will let him answer the question that was asked and then we can determine more accurately what area it is in; if we are getting into an area that is irrelevant to this lawsuit, we certainly should not pursue it.

A. Would you have the question repeated, please?

Q. Yes, sir.

A. Why was I having these recordings made in the first instance?

Q. Thank you, sir.

A. Seeking confirmation of some of the stories Mr. Partin had told me in the latter part of September and the first part of October.

Q. The first knowledge you had of these "stories" was in September or the early part of October?

A. Yes, sir.

[fol. 8090] Q. Did he tell you when these stories arose?

A. He indicated that it had been earlier in '62, around the summer of 1962.

Q. He never did anything about it at that time?

A. He indicated to me that he had sought to make contact with a law enforcement agency that he could trust in order to divulge what he termed as a plot.

Q. Well, at that time, however, he was incarcerated, wasn't he, when he divulged this "story" to you?

A. Yes, sir, he was.

Q. And he didn't divulge that "story" to the FBI but he divulged it to you, so to speak, the office who had him incarcerated?

A. I can only speak concerning the divulgence to our office.

Q. Well, why would the recordings of this which apparently happened to be or allegedly would be a federal matter, why were those recordings made by your office and not by the FBI?

A. Mr. Silets, I can only hazard or speculate as to the reason, it would have been in deference to local law enforcement in Baton Rouge since many of the matters that had been discussed between Mr. Partin and myself were purely local affairs, thus the exploitation of a source of information would have been left initially to the person [fol. 8091] who had developed the informant.

Q. But when the story was divulged to you you weren't working with an FBI agent, were you, you proceeded as a state law enforcement officer to make these recordings over a period from the 6th of October through the 18th of Oc-

tober, even though by your own statement they were matters relating to the nation, federal matters?

A. Yes, sir, I proceeded to pursue the entire investigation insofar as Mr. Partin figured.

Q. Didn't you ask assistance of the Federal Bureau of Investigation to work with you in this investigation since it was a federal matter?

A. No, sir, I don't recollect asking for assistance.

Q. Did anyone else in your office request this assistance or obtain assistance or discuss the matter of obtaining the assistance of the FBI?

A. No, sir, I don't think anyone did beyond relating the information to the Department of Justice and to the FBI.

Q. Now—

A. (Interposing) There was no coordination, no assistance requested.

Q. And the FBI did not ask you to turn over these matters to them once you had made the recordings?

A. No, sir.

Q. What about the matters of the summer of 1962 when [fol. 8092] the stories were given to Mr. Partin, to your knowledge were they recorded?

A. No, sir.

Q. Did you make a recording of those stories, that is, did you take notes or make a report of those stories?

A. I recorded the interview.

Q. On tape?

A. On tape.

Q. And do you have that tape?

A. No, sir.

Q. Where is that, sir?

A. It was handed over to the Court by Mr. Sargent Pitcher.

Q. It is in the Court's possession?

A. To the best of my knowledge.

The Court: Filed as a sealed exhibit.

Mr. Silets: Which one is that, your Honor?

The Court: Whichever one that was filed at the time when the Witness Pitcher was on the stand.

[fol. 8093] The Court: Whichever one, we can check the record.

By Mr. Silets:

Q. Mr. Daniels, what about the recordings of the conversations other than the 8th and the 18th which occurred between the 6th of October and the 18th of October, where are those recordings?

A. They are in the files of the District Attorney's office in Baton Rouge and some of them are here with me.

Q. Do you have them with you?

A. Here in Chattanooga, Tennessee, yes, sir.

Q. Well, could you turn them over to the defense so that we may hear them?

Mr. Hooker: We object to that.

The Court: Well, let them be turned in to the Court and the Court will determine if they have any relevancy.

Mr. Silets: Well, Your Honor, we ask the Court that we be allowed to listen to each conversation between the 6th and the 18th other than those we have not received a transcription of. And in addition we would like to have the opportunity to see the transcription or hear the conversation recorded between the witness Daniels and the witness Partin where the stories of the summer of 1962 were related.

The Court: Well, the latter request will be denied. That does not relate to material to this lawsuit in any way to [fol. 8094] any issue in the lawsuit. That is—, excuse me.

Mr. Silets: Your Honor, may I inquire of the Court if the Court has heard that recording, the one he has just related?

The Court: Yes, sir, the Court has heard it and listened to it. It likewise is a rather poor recording in many areas. Many places. But it has absolutely nothing to do with any matters in issue in this case.

By Mr. Silets:

Q. After you recorded the conversation with Mr. Partin and he advised you of these stories from the summer of 1962, did you call the FBI to pass this information on?

A. No, sir. As I previously testified Mr. Pitcher notified the Department of Justice through Mr. Duffy I think.

Q. But no FBI agents were called in?

A. Not to my recollection, sir.

Q. Now, what is the relevancy or why was the state of Louisiana interested in this matter at all? Why did you persist in your endeavors in this matters?

Mr. Neal: I object to this. I think the witness has answered that they were primarily state matters.

The Court: Sustain the objection.

By Mr. Silets:

Q. All of these many telephone conversations that were recorded, by the way, how many were recorded?

[fol. 8095] A. Perhaps 40 or 50.

Q. And how many were recorded between Partin and Hoffa?

A. To the best of my recollection two.

Q. Wasn't there two phone calls made by Partin to Hoffa, one on the 10th of October and one on the 14th of October?

A. Yes, sir, I think they were.

Q. And weren't they also recorded?

A. Mr. Silets, I don't remember.

Q. Would they be in the list—, would they be in all of those 40 or 50 calls that were recorded and the documents turned over to the court?

A. No, sir.

Q. Where are they?

A. I don't know.

Q. Who would?

A. I can think of no one excepting myself.

Q. Well, go back into your recollection, Mr. Daniels, where would they be in your possession? In Chattanooga?

A. Conceivably. It would require me running each and every one of these tapes because many of the tapes are Magnabelts containing several or more conversations. I haven't found the time nor have I had the inclination to listen to all of this junk.

[fol. 8096] Q. Mr. Daniels, according to the Court's ruling, if Your Honor please, if I may paraphrase the Court, I believe, has instructed you to turn over to the Court, all of those recordings that you have in your possession. Am I right, Your Honor?

The Court: Yes.

By Mr. Silets:

Q. All of the recordings you have in your possession of phone conversations involving Mr. Partin. Now I'm just trying to establish that it is your best knowledge that the—That the conversation between Hoffa and Partin on the 10th and the conversation between Hoffa and Partin on the 14th of October would be included in those recordings?

Mr. Neal: I object to that. That is not the answer. The witness said, the answer of the witness was that he didn't believe they were recorded.

The Court: Let him answer.

The Witness: It was not my understanding that I was to turn over all these recordings. My instructions were to turn over such recordings as might be in my possession that related to the Nashville and Chattanooga trials. I can tell you now, Mr. Silets, that some of those conversations do not in any way relate to these suits and until I have been instructed by my superior I will not turn them over simply because it would only do harm to the reputation of parties [fol. 8097] who are not on trial here, who are not witnesses to this lawsuit, and I just can't for the life of me see why you should be entitled to hear matters that I know and can testify to will not aid or assist this lawsuit.

The Court: Mr. Daniels, I believe the proper procedure would be to turn those over to the court and let the court examine them and if they do not relate in any way to this lawsuit at all why they will not be made available. If they do relate to this lawsuit in any way the Court will have to make the determination.

Mr. Silets: At any rate, Your Honor, if the Court determines any part of those recordings should not be made available to the defense we ask that they be sealed for the higher court to examine.

The Court: Well, the Court will have to consider that at the time they are submitted.

Mr. Silets: Well, as I understand I am hopeful that my motion to suppress and the evidence I will introduce will be concluded this morning. And I would then like the Court to understand and the record to be clear that as part of my offer of proof that these documents—, first I request they be turned over to me. But the Court has overruled that. And I ask the Court then to put those in as part of the Court's files as a sealed document if any portion of those are not to be turned over to the defense.

[fol. 8098] The Court: All right.

[fol. 8099] Mr. Schiffer: Do I understand, your Honor, that there is a direction to this witness to turn all those recordings over to your Honor?

The Court: Yes. The Court will need to make an inspection of them.

The Witness: Your Honor, I respectfully request that I be permitted to consult with my superior. I call your Honor's attention to the fact that the working files of the Department of Justice are closed unless there has been an order of release to the Court by the Attorney General. We have a memorandum to the same effect affecting the Nineteenth Judicial District Attorney's Office and I have insisted—

The Court: (Interposing) All right. You may consult with him and submit any request in that respect.

Mr. Neal: Your Honor, I believe the problem here could be ironed out if under the auspices of the Court the reproductions were made and either the originals or reproductions were submitted to the Court and the other, either the original or the reproduction, returned to you. Wouldn't that be satisfactory to the Ninth Judicial District or Nineteenth Judicial District?

The Witness: I hardly think so, Mr. Neal, for the reasons that I patiently set forth. I can not for the life of me understand why the defense would insist upon turning [fol. 8100] over—

Mr. Silets: (Interposing) Your Honor, I move that be stricken. That is not for this witness.

The Court: Well, we are not before a jury, gentlemen.

Mr. Neal: I think if the Court would consider that request I think this could be worked out if the Court would consider the request made to reproduce and either turn back the originals to the Court—

The Court: (Interposing) Well, certainly we are not going to interfere with or hamper law enforcement operations in any other area of the country.

If these matters are not relevant, then certainly they will not in any respect be removed from the witness or his office.

Mr. Silets: Your Honor, my position is that if the Court should—

The Court: (Interposing) Well, as I say, I will request the record be made available for examination by the Court in camera.

Mr. Silets: Yes.

The Court: And the Court will make a determination at that time. If they have no relevancy at all to the issues in this lawsuit then certainly they should not become a part of the record in this lawsuit.

[fol. 8101] Mr. Silets: Your Honor, my position is this, if the Court so ruled and I would suggest that the Court would not rule that, if the Court rules that they are not relevant my position is that they be marked and sealed so

that the Court of Appeals can review the Court's decision on this.

The Court: Yes, I understand your request in that respect and the information—we will attempt to handle that problem in some manner so it doesn't also at the same time deprive them of their records or information that they may need in the pursuit of their duties.

Mr. Silets: I don't want to deprive the State of Louisiana, your Honor. I think anyway that this record here can be kept in a fashion that it may be reviewed ultimately, if it has to be, that is all I am asking.

Of course, my first request is that they do be, in fact, turned over to us.

The Court: Well, that request will be denied.

Mr. Schiffer: May we request, your Honor, that a direction to the witness be made that he understands that when he speaks of 40 or 50 recordings made by the Witness Partin that they all be turned over and that he is not to be the judge as to any exclusion of any of those recordings because, your Honor, when he speaks of—

The Court: (Interposing) That's the Court's under-[fol. 8102] standing and if it is your opinion or that of your superior that that is an improper ruling of the Court, if you will please submit a memoranda in the case on that, the Court will consider it.

The Witness: Thank you, your Honor.

Mr. Silets: Your Honor, it's my understanding that the witness is now indicating that this is on the instructions of the Attorney General, Robert Kennedy.

The Court: He was talking about, as I understood, Mr. Pitcher, his superior.

By Mr. Silets:

Q. Is it Mr. Kennedy that has given you this instruction?
A. No, Mr. Pitcher.
Q. Oh, that Attorney General?
A. No, sir, District Attorney, Mr. Silets.

Q. Now, all of these recordings that we have been discussing, Mr. Daniels, were they all made in the same fashion as the recordings that you had previously testified and demonstrated in court?

A. I think so.

Q. That is your best knowledge?

A. To the best of my knowledge.

Mr. Silets: All right.

The Witness: Now, your Honor, if I may ask a question? [fol. 8103] The Court: Yes.

The Witness: Mr. Silets asked for the recordings from the 6th to the 16th of October, 1962.

The Court: Yes.

Mr. Schiffer: On behalf of the Defendant Parks we are asking for all telephonic recordings or recordings made by the Witness Partin at any time prior to October of 1962, at any time which this witness has in his possession.

Mr. Berke: That is just what I was going to ask the witness, your Honor.

The Court: All right.

Recross examination.

By Mr. Berke:

Q. Mr. Daniels, will you tell us, please, sir, what records you have left down in Louisiana and what records you brought up here, how did you sort them out so that you decided to bring certain records here and leave certain records down in Louisiana?

A. Mr. Berke, Saturday of last week I spent the entire day going through the files and vaults in our office looking for records that would be easily or speedily identifiable as connected with the Witness Partin or connected with the trials in Chattanooga and Nashville.

I did this by looking at tabs that indicated date and the [fol. 8104] names of the parties. I endeavored to scan several long tapes in an effort to be of assistance to this court,

both parties. I ran out of time because I was leaving to return to Chattanooga on Sunday, so you might say that it was a speedy scanning of our files. I took those that I thought I would have the time here to go over.

Q. Excuse me. Are you through?

A. Yes, sir.

Q. Approximately how many tapes did you bring with you now, sir?

A. Approximately 40 to 50.

Q. Approximately how many tapes did you leave in Louisiana?

A. Forty to 50.

Q. Why couldn't you have brought the other 40 or 50 and continue your search here in Chattanooga?

A. Well, Mr. Berke, let me ask you why couldn't you come down to Baton Rouge and help me with it?

Q. Well, Judge Wilson would make me stay up here and try this case. I don't have to answer your questions but that would be one of the answers.

Just answer me why you didn't bring them up here. Do I understand that your answer is that you didn't have enough time to check the other 40 or 50 tapes?

A. Mr. Berke, I thought I had given you a fairly—

[fol. 8105] Q. (Interposing) Well, is that the answer?

A. I thought those that I thought were germane or related to this case, others have no more to do with Mr. Partin and Mr. Hoffa than they have to do with Mr. Berke. Obviously I left those in Baton Rouge. I would say that we have recordings to the tune of two or three thousand in a vault. Now, certainly you don't anticipate that I would bring two or three thousand tapes to amuse myself here in Chattanooga.

Q. Mr. Daniels, what I am trying to ask you, sir, you told the Court or told me, or at least my thick skull understood that you ran out of time.

A. I ran out of time.

Q. That's right.

A. That's true, conceivably I might have overlooked a tape, Mr. Berke. I am trying to be as honest as I know how to be.

Q. That is all I am trying to ask. Approximately how many tapes were you unable to check into with reference to Mr. Partin because you ran out of time?

A. I would have to answer it in this fashion, sir, there is a large safe containing two to three thousand recordings. The filing system is non-existent. One must pull the boxes and take a look at the notation, date, time, persons. I would say that those that I had handled and that my [fol. 8106] memory easily identified I pulled all of those out and looked at them, some of them in no way related to this lawsuit or the one in Nashville, those I threw to one side.

[fol. 8107] Q. Is Sargent Pitcher, the District Attorney, the gentleman that you referred to that gave you orders not to release those from your custody?

A. No, I didn't say that, Mr. Berke. I said that similar to a standing order of the Justice Department working files in our office are not released to other agencies without the request or the order being passed upon by Mr. Pitcher. It was not limited to this particular case. It has to do with any case. We are frequently subpoenaed in civil suits and in criminal suits in other jurisdictions than ours with a subpoena ad testificandum and subpoena duces tecum to produce our records. Our records are specifically exempt from the Public Records Act of the State of Louisiana. They are working files.

Q. Now you are talking about the Justice Department of the federal government or Justice Department of the State of Louisiana?

A. I have tried to liken the order or memorandum outstanding in our department to the one that exists in the Justice Department of the federal government.

Q. Is that a written order?

A. It was a memorandum, sir.

Q. Do you have that memorandum?

A. No, sir.

Q. And when was that memorandum issued?

[fol. 8108] A. The latter part of 1961 or the first part of 1962.

Q. And who signed that memorandum?

A. Mr. Sargent Pitcher.

Q. Do you mean Sargent Pitcher for the Justice Department of the federal government?

Mr. Neal: Your Honor, this is so easily understood.

Mr. Berke: I don't understand.

The Court: I don't see how there can be any confusion about what the witness has said.

Mr. Berke: If your Honor please, I just don't understand. I might inquire from the Court to save time as to his answer alone, do I understand that the federal government issued an order to Sargent Pitcher? Is that right?

The Court: The witness has never said anything like that that the Court has heard said. The witness has said just as the Department of Justice and federal government makes available likewise the State of Louisiana have restrictions on making available. Did I understand you correctly?

The Witness: Yes, sir. Precisely.

Mr. Berke: Giving an example, in other words, so you have no orders from the federal government for the release of these?

The Witness: No, sir.

[fol. 8109] Mr. Berke: I forgive you. I would apologize to the Court. I just misunderstood the witness.

The Court: That is all right.

Mr. Neal: I've had Mr. Pitcher, Sargent Pitcher called in the interim, your Honor.

The Court: Let's see if there is any further examination, anything further?

Mr. Schiffer: May I have a couple of questions, your Honor?

Recross examination.

By Mr. Schiffer:

Q. May I inquire of you, Mr. Daniels, did you in a press release say that you have been in contact with the Department of Justice concerning these questions?

A. I didn't understand the question, Mr. Schiffer.

Q. May I repeat it, have you issued a press release that you had been in touch with the Department of Justice about this case in Chattanooga or the one in Nashville?

A. No, sir.

Q. Let me ask you, based upon what your testimony is here today and to avoid a confusion on this record, I understand you brought with you 40 or 50 recordings that Mr. Partin had made and that residing in your office in Baton Rouge you approximate that there are another 40 or 50 recordings made of Partin. Is that correct?

[fol. 8110] A. No, sir, it is not correct.

Q. Will you correct it, please?

A. Yes, sir, I will. I picked up those recordings that in point of time might have been related to the Nashville or Chattanooga trials. Without discerning whether these were telephonic exchanges or whether they were conferences between several parties. I threw these into a suitcase and the others to one side. So without distinction as to whether it would be a telephonic exchange or a conference, I brought these several tapes.

Q. I see. Now, tell me this, at what time and for the first time did you give Mr. Partin the recording devices to use on the telephone?

A. I think it was October 6, 1962.

Q. Do you have any recordings in your office or have you delivered to the Court any recordings of any conferences concerning Mr. Partin?

A. I have not.

Q. Have you had conferences with Mr. Partin before October 6, 1962?

A. Yes, sir.

Q. Was some of those recorded?

A. Yes, sir.

Q. Did it have to do with the activities of Mr. Partin?

[fol. 8111] A. Yes, sir.

Q. Did they have to do with the criminal activities of Mr. Partin?

A. Yes, sir.

Q. Did they have any relationship with this kidnapping charge?

A. Yes, sir.

Q. Did they have any relationship with this perjury charge?

A. It was not then on the books. He had not been indicted for perjury.

Q. My question is, did any of these conferences or recordings have to do with what resulted eventually in a perjury charge against Mr. Partin?

A. The answer is no.

Q. None at all. Did any of these recordings relate in any fashion to Partin's involvement in other crimes which you were investigating?

The Court: Well, now, gentlemen, again we have gone far, far, far afield from this motion.

Mr. Schiffer: May I withdraw that question, your Honor?

By Mr. Schiffer:

Q. Now, then, as a result of these recordings which you had before October 6, 1962, did you hold conferences with [fol. 8112] anybody representing the United States Government concerning the substance of Mr. Partin's activities in those recordings?

A. Yes, sir, I previously, I think I previously testified—

Q. (Interposing) I never heard this, but you have had those conferences—

A. (Interposing) To a meeting of October 2nd, 1962, with Mr.—

Q. (Interposing) October 2nd, did you have prior to October 2nd any meetings with federal authorities concerning Mr. Partin as related to those recordings which you had made prior to October 2nd, 1962?

A. No. On October 1st I think there was a very brief conference in the District Attorney's office with Mr. Duffy, then Assistant United States District Attorney. And Mr. Grimsley of the Justice Department.

Q. That was the first time, for the first time you ever spoke about Mr. Partin with federal representatives?

A. It was the first time I had, yes, sir.

Q. Have you any knowledge of anybody else who carried on discussions in your office with federal authorities concerning Mr. Partin?

A. Mr. Pitcher.

Q. Mr. Pitcher?

A. Yes, sir.

[fol. 8113] Q. And you were aware of the subject matter what Mr. Pitcher was discussing with them, of course, were you not?

A. Yes, sir.

Q. Now, why did you give Mr. Partin this recording device to put on a telephone?

Mr. Neal: Your Honor, we object to that as being repetitious.

Mr. Schiffer: This is the issue.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. On or about—pardon me one moment, your Honor. In the year of 1962 and drawing your attention to the month of November, with reference to two telephone calls, one on the 8th of November, 1962, and the other on the 16th of November, 1962, between Mr. Partin and Mr. Harold Gibbons, do you have any recordings of those conversations?

A. I don't think I do, sir.

Q. Well, do you know that you do or do not?

A. I won't be able to state positively for the reason that—

Q. (Interposing) Did you bring those recordings to His Honor, did you give those recordings to His Honor?

A. Mr. Schiffer, if I had those recordings I would have turned them over if I had been able to identify them as such. I thought I conveyed that to you over and over again.

[fol. 8114] Q. Are you overwrought, sir?

A. No, sir, I am just tired of being questioned on the same thing over and over and over again.

Q. Well, then tell me this. A man's liberty depends on the trial in this courtroom and you will answer the question.

The Court: Mr. Schiffer, just a moment, sir. The Court will give instructions to the witnesses.

Mr. Schiffer: May I ask your Honor to so instruct the witness that he is a witness here and not the prosecutor?

The Court: All right, just direct your next question.

By Mr. Schiffer:

Q. When you made these recordings and Mr. Partin made these recordings, after you had instructed him in his technique of recording conversations with other people, wasn't it your intention to turn these recordings over to the Federal Government?

A. What was all this business about the technique?

Q. This technique you have testified to how you instructed Mr. Partin how to put the listening device on his telephone and you very carefully made sure you did not put your hands on the device, afraid it might be illegal, of course, you let him, at your instructions, put this device on the telephone, will you not state now for the record [fol. 8115] under oath was it your intention that with reference to these recordings that you intended to turn those over to the Federal Government?

Mr. Neal: Your Honor, I don't think that—

Mr. Schiffer: (Interposing) I am asking the question. This is the issue, your Honor.

Mr. Neal: May I state one objection? I don't think this witness should be harassed. We are out of the presence of the jury. He is there with this. He is not hostile to these people at all. The other day when Mr. Pitcher was here—

The Court: (Interposing) Well, I don't think the jury can hear this conversation.

Mr. Schiffer: It is my cross examination.

Mr. Neal: Your Honor, the other day when Mr. Pitcher was here—

The Court: (Interposing) It is my understanding they are in the hotel—

Mr. Neal: (Interposing) In the presence of the press and everything, Mr. Schiffer asked the question if his office wasn't under investigation by the Federal Government for cooperating with gangsters, something like that.

Mr. Schiffer: He never denied it.

Mr. Neal: He did deny it.

The Court: He was not given an opportunity to deny [fol. 8116] it because it was not material. It was not a pertinent question. It was not a proper question and the Court overruled the question and was not given an opportunity to answer. We are not here for the purpose of conducting press interviews, gentlemen; let's proceed with the issues of this lawsuit.

[fol. 8117] Mr. Schiffer: All right, sir.

The Court: If you wish to make press statements do it outside of the courtroom.

Mr. Schiffer: I don't make any press statements. Mr. Neal seems intent upon preventing the evidence from going forward in the case because now the shoe is on the other foot.

Mr. Neal: I just found out from Washington that there is no basis whatever, the Department of Justice issued a statement that that question had no basis whatever and I

don't think Mr. Pitcher or Mr. Daniels should be harassed. They are not hostile and the government is not unwilling to let anything come out.

The Court: Sustain the objection.

Mr. Schiffer: Am I to understand from Mr. Neal's statement that he just got this call from Washington or has just been advised by his office in Washington or some official in the Department of Justice let him read the newspaper, what the newspaper quoted?

The Court: Gentlemen, let's proceed with this lawsuit. If you gentlemen wish to talk to the press, do so outside of the courtroom.

By Mr. Schiffer:

Q. Now, I ask you again at the time when you have testified here you instructed so carefully Mr. Partin in how [fol. 8118] to detach this recording device and attach it to his telephone and make recordings, is it not a fact that you were having him make these recordings so that you could then turn them over to the federal government?

A. It is not a fact.

Q. It is not a fact. Let me ask you then, is it not a fact that the whole truth is that as of the very day you testified you sat down next to Mr. Partin and listened to his conversation with Mr. Hoffa you had no investigation going on Mr. Hoffa in your office in Louisiana, as of that date, those two dates in October, 1962?

A. Did you ask me a question, sir, or did you make a harangue or a speech?

Q. Didn't you understand?

A. No, I didn't.

Q. Well, I am sorry now, I first realize you are a district attorney so I will ask you again as a witness and listen very carefully please.

Isn't it the truth and the whole truth that as of the very dates in October, 1962, when you related under oath here that you so carefully listened with one ear to the conversa-

tion between Mr. Partin and Mr. Hoffa while it was being recorded, that in truth and in fact you officially had no interest in Mr. Hoffa in the state of Louisiana officially?

[fol. 8119] A. It is not a fact.

Q. It is not a fact. What was it that you were interested in the activities of Mr. Hoffa in Baton Rouge on the dates of October 8th and the date October 18th, 1962?

A. A matter falling clearly within the ambit of the jurisdiction of the district attorney of East Baton Rouge parish and not related to this lawsuit.

Q. I am asking you what were you investigating at that time in your parish as it concerned the specific individual, Mr. James Hoffa?

Mr. Neal: Your Honor, we object to that.

Mr. Schiffer: If this isn't proper, Your Honor, I don't know what is.

Mr. Neal: I don't know how this relates to illegal wiretapping.

The Court: We are here on the issue that the Court defined this morning. For some reason I have been unable to convey that to counsel. Let's sustain the objection.

Mr. Schiffer: Your Honor, may I suggest to the Court that the reason why I asked this last question is that it is the position of the defense that this witness was acting as an instrument of the federal government, that each of his activities, while he tries to keep his own skirts very clean and very clear, you see, while he performed these various acts he was acting at the behest and at the interest of the [fol. 8120] federal government in violation of the federal statute.

Now, this is our whole issue at this point and I feel we have a right to develop from this witness on cross examination the fact that he was an instrumentality at that time acting for federal agents or some department of the federal government.

The Court: Ask him that question. I have sustained the objection.

Mr. Schiffer: Well, he said he didn't understand me, Your Honor.

The Court: Were you acting as an agent for the federal government?

The Witness: Positively not.

The Court: All right.

By Mr. Schiffer:

Q. You never acted as an agent of the federal government, did you?

A. I have. Not in connection with the period that you are talking about, Mr. Schiffer. First of all I am a citizen and in that capacity I am an agent of the federal government. Secondly—

Q. (Interposing) May I ask you then, sir, you mean that every citizen owes his duty as an agent of the federal government, is that what you mean to imply?

The Court: Mr. Schiffer, Mr. Schiffer.

[fol. 8121] Mr. Schiffer: Pardon?

The Court: Do you really think that relates to the issue we are here for?

Mr. Schiffer: The man said—

The Court: (Interposing) Let's proceed.

Mr. Schiffer: He said he acted for the federal government, now I want to find out in what capacity and when he acted. I don't want to leave to this man's discretion—

The Court: (Interposing) Sir, you may make your argument upon this motion at an appropriate time. Proceed with any question that is relevant to the issue that is before the court.

By Mr. Schiffer:

Q. Now, will you listen to the question again? In the year 1962, in the month of November, on the 8th and 16th of that month of November, 1962, did Mr. Partin make a recording of a conversation, those two conversations he had with Harold Givens on those two dates?

A. He may have, Mr. Schiffer.

Q. Where would those recordings be?

A. I can't readily put my fingers on them.

Q. Am I to understand then, sir, that they do exist but at this moment you don't know whether you have them here or whether they might be in the safe in your office in Baton Rouge?

[fol. 8122] A. No, sir, I tried desperately hard to keep from conveying that notion to you. I said they may. I have no independent or distinct recollection of the recordation of a conversation between Mr. Partin and Mr. Givens. If I did I would answer your question.

Q. Yes.

A. I don't want to foreclose myself or preclude the possibility that they would exist, then I would have to come into court and explain to the Court and to you that I had lied previously.

Q. No, I don't want you to say that. I don't think that we are here for that purpose. We just want you to tell the truth. But let me ask you this, could you make a telephone call to your office in Baton Rouge and with respect to all the recordings which remain down there that you could have those airmailed up here?

A. No, sir.

Q. You could not do that?

A. No, sir.

Q. You would have to go back there yourself and do that?

A. Mr. Pitcher and myself are virtually the only ones with combinations to the safe or who have knowledge of these tapes. Mr. Pitcher, however, has left the storing of them, such as the manner in which they are stored, entirely [fol. 8123] up to me. He would be completely at a loss.

Q. May I then ask you, sir, since we are all interested in the interest of justice, could you fly down there sometime late today and come back here during the week end with these and leave them with the Court for His Honor's perusal, could you do that?

A. No, sir.
Q. You mean you would not do it?
A. No, sir.
Q. Is that it, that you refuse to do it?
A. Mr. Schiffer, some three weeks ago,—
Q. (Interposing) I am just asking you a simple question.
A. I am going to answer the question very simply if you give me the opportunity.
[fol. 8124] Q. Would you refuse to do it, is the question?
A. I suggested to Mr. Bufalino—
Q. (Interposing) I did not ask you that, sir.

Mr. Hooker: We submit he is entitled to answer it.

By Mr. Schiffer:

Q. I will ask you—

The Court: All right.

By Mr. Schiffer:

Q. Will you fly down there and get these records and bring them back here by air so we can give them to the Court and let His Honor then decide what is the proper issue, what he should do with them?

The Court: Allow him to answer.

A. I am going to answer the question and then I am going to ask counsel to let me explain my answer.
Q. I am just asking you, would you answer?
A. No.
Q. Accommodate the Court here, this Federal Court, would you kindly fly down to Baton Rouge?

Mr. Hooker: He answered.

By Mr. Schiffer:

Q. Bring those records up and bring them back so His Honor could have them here and determine what, if any-

thing, should be done concerning those records pursuant [fol. 8125] to the request of the defendants?

Mr. Hooker: He answered no and he said he now wants to explain his answer.

Mr. Schiffer: I don't need an explanation. Does he want to go or not, Judge?

The Court: Let him answer in the manner in which he wishes to answer.

A. Again no, Mr. Schiffer.

Q. You mean you refuse?

The Court: Let him answer.

Mr. Schiffer: I thought he was finished.

The Court: You interrupted.

Mr. Schiffer: I thought he had finished the answer.

A. Two weeks ago when Mr. Bufalino served me with a subpoena he was searching for tapes and recordings. I very carefully explained to Mr. Bufalino that I had none with me at that time, that there were numerous recordings, that it would take a considerable amount of time for me to scan these with the view of accommodating the defendants here.

Mr. Bufalino and I, you might say, lost rapport at one point. He agreed that I should go and return on the following Tuesday. We had a discussion about the validity of an earlier subpoena with which I had been served and had not been called by the defense, whereupon Mr. Bufalino [fol. 8126] wrote out in his own handwriting a new subpoena compelling me to return on Monday of last week.

I spent that weekend, or the greater part of it, in an endeavor to accommodate Mr. Bufalino and the defendants here. Last weekend, ditto. This weekend, no.

Q. Do I understand then from your answer that you refuse to accommodate this Federal District Court in your capacity as a law enforcement officer interested in the ends of justice, that you refuse to go back to your office and return over the weekend and give to this Court the records

which you say exist down there concerning the Witness Partin?

A. If the Court puts it to me in that noble a fashion, Mr. Schiffer, the answer will be yes.

Q. Justice is always noble, sir. I am asking now whether you understand?

A. Some of the aegis are peculiar indeed.

The Court: Just a moment, sir. We are not going to allow this to degenerate into a harangue in the guise of cross examination, Mr. Schiffer.

Mr. Schiffer: Your Honor, I simply asked—

The Court: (Interposing) You were interrupting the witness in the midst of his answer in order to conduct a harangue of the witness.

Mr. Schiffer: He had stopped answering, your Honor.

[fol. 8127] The Court: Proceed.

Mr. Schiffer: Then I will ask him this question.

The Court: Proceed.

By Mr. Schiffer:

Q. Will you, Mr. Witness, depart from this city of Chattanooga, Tennessee, fly down to Baton Rouge and bring from your office where you say all these objects, these recordings, are in your safe, and bring all those back this weekend so that we may present them all to the Court for the Court's perusal consistent with the request made by counsel?

The Court: He answered that question three times, Mr. Schiffer.

Mr. Schiffer: I hadn't heard his answer to that yet, Judge.

The Court: Answer it another time, sir.

The Witness: No.

[fol. 8128] Q. Then I take it you refuse to go?

Mr. Schiffer: Well, Your Honor, may I request Your Honor—

Mr. Neal: (Interposing) Just a moment. That is not what this witness said. This witness said—

Mr. Berke: I heard him say no.

Mr. Neal: This witness said if the Court directed him to he would do it.

Mr. Schiffer: May I ask Your Honor then in aid of the defendants in this case to direct this witness to return to his office in Baton Rouge, leave there by the earliest means of conveyance by air and procure all those documents he has referred to and identified, bring them back to this court and have them available at nine o'clock on Monday morning and we will take care of his expenses going to Baton Rouge and returning to Chattanooga. May we ask in aid of the defense, Your Honor, that the Court so instruct this witness?

The Court: Sir, it has been a part of the history of this lawsuit that subpoenaes have been issued there in a manner in which the court would consider highly improper. It has been necessary for the Court to quash a number of subpoenaes in the case. This witness has testified to matters of having been here under subpoena over a period of approximately three weeks at this time.

The Witness: Yes, sir.

[fol. 8129] The Court: Under subpoenaes from the defense in the case. We have now concluded the proof in the case. We are here on a motion to suppress with regard to two telephone conversations that were recorded. With regard to two telephone conversations that were recorded. I have emphasized that at least six times in the record this morning. The Court does not intend to lend itself to any harassment of a witness or to any abuse of process. If there are matters which are pertinent the Court will certainly request that they be made available. But the Court will not participate in any harassment of a witness. This gentleman has been here three weeks and the Court does not expect to send him back to Louisiana and to bring him back to this court and continue this proceedings on into the next week in that manner. May we proceed.

Mr. Schiffer: May I respectfully suggest to Your Honor that today is the first time in this entire record and from this witness' own testimony on direct and cross up to this moment that we have discovered and the Court has that there are 40 or 50 other recordings involving Mr. Partin and certainly in the interest of justice and that is what we're here for and if the prosecution has no objection then Your Honor I believe justice should be served.

That since for the first time we have been made aware of this that those recordings should be brought up for Your Honor's perusal and turned over to the defense as Your [fol. 8130] Honor has heretofore ruled we will be entitled to if they reflect on any matter or personage in connection with any event here. So all I can do is respectfully urge Your Honor in the interest of justice since that has only come up for the first time here and since the issue before the Court is suppression of illegal wiretaps that this witness now brings up for the first time what may be illegal wiretaps and we are certainly entitled of having the benefit of at least the Court perusing those documents and turning them over to the defense if the Court finds them material.

The Court: The Court has requested the witness to make them available to the Court for the Court's examination in camera by the Court. But the Court will not request this witness to go back to Louisiana and return back here as apparently he has been required to do on at least two previous occasions during the three weeks.

Mr. Schiffer: Why didn't he say that he had a hundred recordings, Your Honor? Why for the first time now are we informed of this by the witness?

The Court: Mr. Schiffer, I don't wish to argue with you about this matter. If you wish to argue we will take it up tomorrow and I will sit here and listen to you argue all day tomorrow. But at this time let's proceed with this motion.

Mr. Schiffer: Your Honor, at this time we respectfully [fol. 8131] demand as is the right of a defendant to make

this of a witness, we make a request to the Court that this witness be directed whether he goes himself or whether Mr. Pitcher in Louisiana arranges that whether this witness goes or Mr. Pitcher or another subordinate in the office in Baton Rouge arranges to have these recordings transmitted to this court in accordance with the request made by the defendants.

[fol. 8132] The Court: The Court has given the witness instructions. Do you have any further cross examination?

Mr. Schiffer: I have a lot of further cross examination, your Honor, on this witness.

The Court: Proceed. And proceed in some manner relevant to the issue here that we are here for.

By Mr. Schiffer:

Q. Now, then, I want to ask the question, why did you have Partin make these recordings?

A. I was seeking corroboration of certain matters related to me by the Witness Partin.

Q. Is that your whole answer?

Mr. Hooker: We submit that is the second or third time he has answered it.

Mr. Schiffer: I am trying to frame my next question because the Court has cautioned me to let the witness finish his answer. I am willing to let him finish his whole answer.

By Mr. Schiffer:

Q. Is that your whole answer?

A. Yes, sir.

Q. Now, then, with reference to the recordings which transcripts of which have been delivered to the defense counsel one of those which you put your ear next to the earphone and listened to Mr. Partin, listened to Mr. Hoffa, [fol. 8133] is it a fact or is it not that those recordings of these transcripts which you made are so secret actually contain nothing concerning the investigation of crime by you?

A. I am sorry, Mr. Schiffer, but when we get into the ear bit, I just don't follow the question. Give me a question and I will give you an answer.

Q. All right, I will use my right ear for an illustration. At the time like you have testified you took this electronic device, and you gave it to Mr. Partin, and he attached it to the phone and he was speaking with Mr. Hoffa and you put your ear right alongside the ear piece alongside Mr. Partin, and the recording machine was on, it is a fact, is it not, that what you call such a secretive conversation that in fact there was nothing discussed between Partin and the Defendant Hoffa of a criminal nature, isn't that correct?

A. It is not a fact that I have termed it secret. That is A.

B, you are the one who are evaluating or placing no evaluation upon these conversations. They call for an opinion from me and I am not competent to give it to you.

Q. Well, you are Assistant District Attorney, are you?

A. No, sir.

Q. What are you?

A. Administrative Assistant.

[fol. 8134] Q. Administrative Assistant in a law enforcement agency? Isn't that right, isn't that correct?

A. Yes, sir.

Q. And the very purpose you had Partin to use that recording was to see if you could find out something about crime, isn't that correct?

A. Yes, sir.

Q. All right, then. I ask you, isn't it a fact that both of those transcriptions of October 8 and October 18, 1962, in fact contain nothing in that whole conversation or either of the conversations concerning crime?

Mr. Neal: Your Honor, that is argumentative and irrelevant.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. Is it true that with reference to those two transcriptions there is nothing concerning crime?

Mr. Neal: That is the question I objected to and it was sustained.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. The fact is that a term which you use in describing these conversations was that they were simply innocuous? Is that correct?

A. I don't remember using that term, Mr. Schiffer.

[fol. 8135] Q. Do you ever use the term innocuous?

A. I am familiar with the term and conceivably I may have used it if you want to read the transcript of my earlier testimony and it is used, I did.

Q. Are you through? You say you have no recollection of using the word "innocuous" in describing these two tapped conversations between the Witness Partin and the Defendant Hoffa?

A. I may have used the word "innocuous." I don't know in what context but I certainly at no time used the word "tapped" simply because tap has an odious connotation and one that you are deliberately using here to bemean me and to impute to me some illegal activity. I think a person of your education and experience knows perfectly well what a tap is.

Q. Then may I ask you, sir, because I don't want to argue with you. I just want to ask you questions. If what you were doing in your own mind now was purely legal why was it that you gave the instrument to Partin and you explained to Partin how to attach all these parts but you also testified you had nothing to do with it, he did it, and then you never even listened into the phone yourself while the recording was going on, you said you kept your ear within hearing distance of the receiver used by Mr. Partin, in fact,

and in truth, isn't it the truth that you felt you might be [fol. 8136] committing an illegal act and that is why you kept your hands off the recording device?

A. Not at all, Mr. Schiffer.

Q. You weren't being extra careful?

Mr. Neal: Just a moment. I think the witness can answer question and I ask Mr. Schiffer to let him complete his answer.

The Witness: Not at all, Mr. Schiffer.

By Mr. Schiffer:

Q. Pardon me?

A. Not at all. The telephone in the room in the hotel was temporarily the property under the control of Mr. Partin. To make doubly sure that the consent of the sender had been obtained for the recordation of the conversations he was having I instructed him in the use of the device. There could be no doubt in anyone's mind that he had given permission when he, himself, installed the recorder.

[fol. 8137] Q. Were you continuing your answer?

A. I pursued no illegal activity whatsoever.

Q. And you were very careful in your activities, as you have related here under oath, to make sure that you did not put your hand on the recording device or the telephone instrument while the recording was being made?

Mr. Neal: Now, your Honor—

By Mr. Schiffer:

Q. (Interposing) Is that correct?

Mr. Neal: That's argumentative.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. Were all of the other taps, these recordings that you testified to, approximately a hundred altogether in round

figures, made by Mr. Partin, were they all made in the same fashion?

A. I object to the word "tap" again. I made no taps, Mister.

Q. Let's be charitable and call it a recording.

Mr. Neal: Your Honor, I would ask Mr. Schiffer to read 605 of the Communications Act which specifically excludes from anything illegal a recording of a telephone conversation where it is—

Mr. Berke: (Interposing) Now—

Mr. Neal: (Interposing) May I complete? I haven't said [fol. 8138] very much this morning. Where it is made with the consent of the sender, and that is the basis of the answer.

Mr. Schiffer: If he wants to instruct the witness what his answer should be, he has elected a very good way to do it.

By Mr. Schiffer:

Q. Would you kindly answer my question?

A. Would you repeat it?

Q. I will be very happy to, Mr. Daniels. With reference to these taps or recordings or whichever term you want to use in describing them, were they all made by Mr. Partin in the same fashion?

A. Recordings of telephonic conversations in which Mr. Partin was one of the parties, they were all made in the same fashion.

Q. So now do I understand—pardon me—now, with reference to the records which you say you have in your office, were all of the two or three thousand recordings made this same way?

A. No, sir.

Q. And—

A. (Interposing) These include recordings of testimony given before the grand jury.

Mr. Neal: Excuse me just a moment, Mr. Daniels. I [fol. 8139] don't think the Court would make you answer that question.

Mr. Schiffer: There was no question.

Mr. Neal: I thought—

Mr. Schiffer: (Interposing) He had answered the question.

By Mr. Schiffer:

Q. May I just ask this one question, sir? With reference to the total number, and we will use the term around a hundred, 40 or 50 each, maybe a hundred recordings altogther, about half of which you have brought to Chattanooga and will deliver to the Court—now, then, can you tell us whether any of the balance of the ones that you referred to over and above those which are here in Chattanooga and which you are going to give to His Honor, whether any of those were turned over by you to any agency or individual connected with the federal government?

A. Mr. Schiffer, I am greatly troubled about these recordings because I tried to turn over those that contained information of interest to the federal government and it seems to me that I mislaid one of them and I cannot state with certainty with whom I might have discussed the contents of that telephone call.

I tried very hard to find that particular recording and to date I haven't been able to come up with it. To the best of my recollection, all of the information that I thought [fol. 8140] would be of interest to the federal government I turned over to either Mr. Duffy or to Mr. Grimsley.

Q. And there you referred to the 50, approximately 40 or 50 which you brought with you to Chattanooga?

A. Oh, no, sir.

Q. Oh, there are more in addition?

A. No, sir. I have not discussed these other tapes with anyone.

Q. Then may I go back to my question as I put it to you. Of the balance which you have not brought to Chattanooga or the 40 or 50 you say you recollect you left in the safe in your office in Baton Rouge, with reference to all of those have any of those been turned over to any agency of the federal government or representative of the federal government?

A. No, sir.

Q. That is pretty positive?

A. I am pretty sure of that, sir.

Q. May I ask you this, with reference to your state of mind and your intent as of the time when you made these recordings of October 8th and October 18th of 1962, what you wanted to do in connection with these recordings was act in a legal fashion, is that right, you so testified?

A. Yes, sir.

Q. And didn't you attempt to do everything in a legal fashion you didn't want to break the law in any incidental [fol. 8141] function you performed in setting up the recording with Mr. Partin?

A. I certainly did not want to break any law.

Q. And you had read Section 605 of the Federal Communications Act prior to the time when you sat with Mr. Partin and he affixed this device pursuant to your instruction to the telephone?

A. Many times.

Q. Many times. Have you read all of the regulations of the Federal Commissioner on Communications concerning the recordation of telephone conversations?

A. I have not read them all.

[fol. 8142] Q. Are you acquainted with the regulation which says that in making one of these recordings without the knowledge of both the sender and the receiver that a beep beep sound be intermittently played during the course of the recordation of that conversation?

A. I am familiar with such a regulation.

Q. Are you familiar with that regulation?

A. I am familiar with that regulation.

Q. Did you in—

A. (Interposing) May I finish my answer, Mr. Schiffer?

Q. I beg your pardon, I didn't know you had it, you see, your voice drops and then His Honor feels I am trying to stop you from answering. I had not heard you wanted to continue your answer, sir.

A. Thank you, sir. I will try to keep my voice at an even tone.

Q. Yes, sir.

A. I am familiar with the regulation and I am also familiar with the Louisiana statute which says that any law enforcement official making an inquiry into criminal activities may intercept telephone calls, thus being commissioned as a law enforcement officer I was acting within the scope of the authority vested in the District Attorney's Office and upon me by statute.

Q. Yes. Now, let me ask you this because you qualified [fol. 8143] as an expert a few minutes ago, you said on many, many occasions you read Section 605 of the Communications Act, the Federal Act, had you not?

A. Yes, sir.

Q. And you read the regulations of the commissioner?

A. Some of them, sir.

Q. Yes. And you knew in this instance you were dealing with an interestate call from one state to another, did you not?

A. Yes, sir, at the time.

Q. You knew that both calls were from one state to another, isn't that right, isn't that correct, you knew that?

A. When these calls were completed, yes, I did.

Q. At the time Mr. Partin placed his call you knew it was going out of the state of Louisiana to another state of the United States, isn't that crorect?

A. Yes, sir.

Q. And as of that time you already knew that you were dealing with Section 605 in an interstate conversation on telephone and not to calls within the state of Louisiana,

that is, the sender and receiver being both in the state of Louisiana, isn't that correct?

A. Yes, sir, and the Louisiana statute does not limit the interception.

Q. I understand.

[fol. 8144] A. To interstate calls.

Q. Now, I say to you, did you in fact put a device on those telephone calls of the 8th and 18th of October of 1962 to provide for the intermittent beep beep signal on that telephone conversation?

A. No, sir, I did not and IBM was fabricated or manufactured with a device with the induction type of microphone that has not incorporated that feature in it.

Q. But you have read the regulations, the federal regulations of the commissioner?

A. Some of them, Mr. Schiffer.

Q. So you feel then it's legal on some devices not to use the beep beep, though the commissioner makes it a regulation, but that you will conform with this regulation when it suits your purpose and evade the intention of congress of the United States, isn't that right?

The Court: Let's not argue, gentlemen. Anything further?

Mr. Neal: Just one question.

Cross examination.

By Mr. Neal:

Q. Mr. Daniels, you said you had not turned over or shown to an agent of the federal government any of the tapes you left back, the 40 tapes or whatever it was you left back in Baton Rouge. As a matter of fact, you haven't [fol. 8145] turned over any of the tapes that you brought with you to a federal official.

A. I have not.

Q. To an official of the federal government.

A. I have not, Mr. Neal.

Q. Except the telephone recordings or the recordation of telephone calls on October 8th and 18th, 1962.

A. That is right.

Q. Is that correct?

A. (Witness moves head up and down.)

Q. As a matter of fact, had you ever told me or any of us that these recordings existed?

A. I don't recollect that I did, sir.

The Court: All right.

Redirect examination.

By Mr. Silets:

Q. Mr. Daniels, have you heard those conversations, though, you yourself at one time have heard them?

A. The ones of the 8th?

Q. No, sir, the other ones, the ones that you have not turned over to the government.

A. Yes, sir.

Q. You yourself have heard them?

A. Yes, sir.

Q. Have you turned them over or made the contents of [fol. 8146] those conversations known to any federal agency or federal agent?

A. Mr. Silets, in this I wish I could give you a precise answer. I indicated earlier that I was greatly troubled over the absence of what I think to be or what I think to be the absence of another telephone conversation and this I might have discussed with Mr. Grimsley or Mr. Duffy.

I searched desperately hard for that particular conversation. I know it took place sometime between the 8th and the 16th between Mr. Partin and Mr. Hoffa, I can't be more specific than that in my reply.

Q. Well, let me inquire of you then, from your own personal memory can you tell the Court what the contents of that conversation was.

A. Yes, sir, it had to—, it had its origin in a newspaper story that had appeared locally, either the latter part of September or the first part of October, with the theft of a plastic explosive in the New Orleans area and Mr. Partin placed a call to Mr. Hoffa to apprise him of the fact that he had access to a supply of this plastic, as he termed it.

Q. Did Hoffa actually speak to him, do you know?

A. This I don't remember, sir.

Q. Do you know—, did he explain anything to you at the time of this conversation or after you heard the con-
[fol. 8147] versation, was there any—

The Court: (Interposing) Well, gentlemen, again we are getting outside of the issues.

Mr. Silets: All right. That's all, Mr. Daniels.

The Court: All right.

[fol. 8148] Redirect examination.

By Mr. Silets:

Q. Mr. Daniels, just one question more, just stand there for a moment. This conversation, did you hear Mr. Hoffa's voice on that recording?

A. I don't recollect that I heard Mr. Hoffa's voice on that recording.

Mr. Silets: Thank you.

(Witness excused.)

Mr. Silets: Your Honor, I would like to offer in evidence the mark-sense cards. There are 21 mark-sense cards during the period in question, which were charged to credit card No. 150-7785-K-32, and those indicate calls back and forth from Partin to Grimsley and Sheridan and under the pseudonym of Anderson and Black. There are 21 of those.

The Court: They will be filed for identification.

The Clerk: That will be No. 239, your Honor.

(Mark-sense records referred to above were marked for identification as Exhibit No. 239.)

Mr. Silets: For the purpose of the motion to suppress.

The Court: All right.

Mr. Silets: And there are 13 cards charged to Local No. 5 in Baton Rouge showing calls to Grimsley and Sheridan. Your Honor, I would like to have them marked with the [fol. 8149] next number.

The Clerk: That will be No. 240, your Honor.

The Court: All right.

(The mark-sense cards referred to above were marked for identification as Exhibit No. 240.)

The Court: All right, gentlemen, it is now time for the noon recess. Let's adjourn court until 1:30.

Mr. Neal: Your Honor, could I take up one matter in chambers? Could we approach the bench?

The Court: Just a moment, court is not in recess yet.

Officer Sertel: Let's have order in the court, please.

The Court: Do not permit any counsel or attorneys to leave. Just a moment, please.

All right.

Mr. Branstetter: May it please the Court, could we ask the government counsel to submit us the other instruction now if they have it available?

Mr. Neal: I think it is available. I will check and have one for the Court and counsel.

(Thereupon, at 12:03 o'clock, p.m., court was adjourned for the noon recess until 1:30 o'clock, p.m.)

[fol. 8150] AFTERNOON SESSION

1:30 O'Clock P.M.
February 28, 1964

(Thereupon, pursuant to adjournment for the noon recess, court was in session.)

(The jury of 12 and 4 alternates remained excluded from the courtroom and in their absence the following proceedings were had, to-wit:)

Mr. Hooker: I'd like to recall Mr. Grimsley for one question, if your Honor please.

The Court: All right.

Mr. Hooker: I wanted to ask Mr. Grimsley one question.

FRANK GRIMSLEY, having been previously duly sworn, was recalled and testified further as follows:

Recross examination.

By Mr. Hooker:

Q. Mr. Grimsley, you stated that one of the recordings had to do with an assassination plot?

A. Yes, sir.

Q. Did that have anything to do with the assassination of President John F. Kennedy?

A. No, sir, it did not.

Q. Nothing whatever?

[fol. 8151] A. Nothing.

Q. No mention of it of any kind or character?

A. No, sir.

Mr. Hooker: That's all.

The Court: All right, excused.

(Witness excused.)

The Court: Anything further?

Mr. Silets: Yes, your Honor. I'd like to call Mr. Sheridan. If I may have a moment, your Honor, to get my notes together.

I am ready, your Honor.

WALTER SHERIDAN, having been previously duly sworn, was recalled and testified further as follows:

Recross examination.

By Mr. Silets:

Q. You are Walter Sheridan?

A. Yes, sir.

Q. You understand, Mr. Sheridan, that you are still under oath?

A. Yes, sir.

Q. Mr. Sheridan, you have testified previously that from time to time Mr. Partin has furnished information to you during the course of his being present in the Nashville case.

A. Yes, sir.

[fol. 8152] Q. Now, you have also testified that—if I am not mistaken—that you had not conveyed that information to anyone else?

A. I don't remember saying that, Mr. Silets.

Q. Well, did you pass any information on to Mr. Neal?

A. Oh, yes, sir.

Q. Now, when was the first time you were advised of Mr. Partin in his role in the Nashville case?

A. Let me see, in—some time in early October, late September or early October.

Q. And at that time the information came from whom?

A. Mr. Grimsley.

Q. And what did he advise you?

A. He advised me that he had been notified by the District Attorney's Office in Baton Rouge that Mr. Partin wanted to talk to somebody in the Department of Justice about some grave matter, some serious matter, I don't remember the exact words, so I told—

Q. (Interposing) Would you keep your voice up?

A. I told Mr. Grimsley to go ahead and talk to Mr. Partin.

Q. Did you authorize him to travel to Baton Rouge?

A. Well, it was implied in the direction to go and talk to Partin.

Q. I can't even hear you.

[fol. 8153] A. I say that was implied in the direction to go ahead and talk to Mr. Partin.

[fol. 8154] Q. As a matter of fact, that is one of your responsibilities to authorize travel by members of the Organized Crime Unit of the Department of Justice?

A. No, sir, not specifically.

Q. Was Mr. Grimsley working under your supervision at the time?

A. Yes, sir.

Q. And so he did obtain your authorization to make this travel?

A. Yes, sir.

Q. Now did he call you from Baton Rouge to advise you of the results of his interview?

A. Well, he called me, I'm not sure it was from Baton Rouge, or after he got back to Atlanta.

Q. Did he come to see you personally?

A. No, sir.

Q. It was by telephone?

A. Yes, sir.

Q. What did he advise you?

A. He advised me that he had participated in a conference with Partin and others. I believe representatives of the District Attorney's office and perhaps the U. S. Attorney's office. He told me the gist of the conversation that he had with Mr. Partin, and that is it.

Q. And this was the matter involving grave concern that [fol. 8155] you referred to?

A. Yes.

Q. Now, did you give any instructions to Mr. Grimsley at that time?

A. Not at that time, no, sir.

Q. When was the time that you did give instructions to Grimsley?

A. Oh, within a few days or couple of days thereafter.

Q. That would have been around the first week of October. Will you turn that around, please? First week of October 1962?

A. Well, it is either the last part of September or the first of October.

Q. Now what were the instructions that you gave Grimsley?

A. Actually I didn't give Grimsley instructions. The instructions were given to the FBI to pursue the matter further.

Q. Instructions were given to the FBI to pursue matters further?

A. Yes, not by me.

Q. By whom?

A. By someone in the FBI.

Q. Well, who was advised? Who advised the FBI of these goings-on?

[fol. 8156] A. I believe I did.

Q. Now who did you advise?

A. Mr. McGrath.

Q. And who is Mr. McGrath?

A. He is a supervisor in the Federal Bureau of Investigation.

Q. And is he an agent in charge?

A. No, sir, he is a bureau supervisor.

Q. In Washington?

A. Yes.

Q. What is his first name?

A. Al.

Q. And were the FBI agents to report to you concerning this matter?

A. No, sir.

Q. To whom were they to report, if anyone?

A. Just in the usual routine matter they would report to their superior.

Q. Would you keep your voice up?

A. Sorry.

Q. Now at the same time, however, you had Grimsley working on this matter and he was reporting to you?

A. Well, he had reported to the extent that I have told. That is where the matter rested at that point.

Q. Were you furnished reports from the FBI concerning [fol. 8157] this investigation?

A. I was furnished a report concerning this specific matter, yes.

Q. And where is that report, sir?

A. I believe it was turned over to the Court.

Mr. Silets: If your Honor please, is that one of the sealed documents? Is that Exhibit No. 118?

The Court: There was a sealed document on this matter. I don't recall the number.

By Mr. Silets:

Q. When was this report prepared?

A. At that time. Immediately following this action by the FBI.

Q. Now did you and Grimsley work in conjunction with the FBI?

A. Well, to the extent that as a result of Grimsley's conference with Partin, this matter was reported to the FBI. They took certain action as a result of that. To that extent we were working in conjunction.

Q. Well. And then each of you continued your own investigations separately, is that your testimony?

A. No, sir.

Q. Well, what is your testimony, Mr. Sheridan?

A. I'm not sure I understand your question now, Mr. Silets.

[fol. 8158] Q. Did you and Grimsley drop the matter there and let the FBI do the work? Or did you continue to pursue it?

A. We were interested in obtaining further information if there were any further information.

[fol. 8159] Q. What kind of further information?

A. Concerning the matter at hand.

Q. What information did you have to begin with?

Mr. Neal: Now, Your Honor, if this counsel goes any further with this matter I think the Court at the bench should advise him of what he is doing. Oh, he said, "I didn't intend to do that."

The Court: Let's move along. Let's stay out of areas that the Court has specifically excluded on numerous occasions; let's stay out of those areas; it is not material.

By Mr. Silets:

Q. All right. Now, thereafter during the first week of October Grimsley had a conversation with Partin and he reported back to you, that is about the size of it, isn't it?

A. Yes, sir.

Q. All right. Now, did you know that Pitcher and Daniels were going to record conversations by Partin?

A. No, sir.

Q. When was your first knowledge that these conversations were going to be recorded or were recorded?

A. Sometime after both conversations I became aware that the second conversation had been recorded.

Q. And who advised you?

A. Mr. Grimsley.

Q. And did he advise you of the contents of the con-
[fol. 8160] versation?

A. He advised me of the gist of the conversation, yes.

Q. And what did you tell him, if anything?

A. Nothing.

Q. Did you authorize him to advise Partin to go to Nashville?

A. No, sir.

Q. Did you make any arrangements for Partin going to Nashville and contacting you at that time?

A. I think I can explain what did happen. I knew as a result of the call that Mr. Hoffa told Mr. Partin he would be in Nashville and Mr. Partin could see him in Nashville,

coincidentally the trial was starting there, I was going to be there.

I told Mr. Grimsley to tell Mr. Partin that when he got to Nashville if he saw any evidence of jury tampering or other illegal activity to call me and I told [redacted]sley to give him my phone number.

Q. You are asking this court to believe that you didn't tell him to go and sent him to Nashville for this express purpose.

A. Absolutely not.

Q. Now, when did you give Partin the code name Anderson?

[fol. 8161] Mr. Neal: I think that last answer ought to be cleared up, Your Honor, I am not sure the witness understood. He said, "Are you telling this court that you did not send him there for that express purpose?"

The witness said, "Absolutely not."

Mr. Silets: Your Honor—

A. (Interposing) I did not send him there for that purpose.

Mr. Silets: Your Honor, may I conduct this examination? If Mr. Neal has something he wants to bring out on cross examination he can do that.

The Court: All right. State your question.

By Mr. Silets:

Q. When did you give Partin the code name Anderson?

A. I believe in the first conversation I had with him, I am not absolutely sure of that.

Q. Sir?

A. I said I believe in the first conversation I had with him but I am not sure of that.

Q. When was the first conversation you had with him?

A. He called me on October 22nd in the afternoon on the telephone, I was in my office.

Q. Well, when did you tell Grimsley that Partin was going to use the code name Anderson?

A. I probably told Grimsley, if I told him, the first con-
[fol. 8162] versation.

Q. I can't hear you, Mr. Sheridan.

A. I'm sorry. I said if I told him or if this name was arrived at in my first conversation and I think it was, I am not sure of that, that I told Grimsley shortly thereafter in a conversation with Grimsley; in other words, there was an understanding between Grimsley, myself and Partin that this name would be used.

Q. And that arose on the first date that you spoke to Partin.

A. That is my best recollection.

Q. That would be when, October 22nd?

A. October 22nd.

Q. Now, did this initiate first between you and Partin, this code name, and then you advised Grimsley? I am not quite sure—, it wasn't a three party conversation, was it, it wasn't a conference at all?

A. No, it wasn't. I am not quite sure, Mr. Silets, just how it was arrived at. I know that in either the first—, either Grimsley and Partin arrived at this name and told me or Partin and I arrived at it and told Grimsley, I don't know which, but I know from the beginning this name was used, at least from October 22nd on.

Q. Now, did you advise Partin or to your knowledge did you suggest to anyone that Partin be advised to record
[fol. 8163] his conversations?

A. No, sir. You are speaking of the conversation?

Q. Any conversation.

Mr. Neal: Your Honor, we are limited to telephone conversations, are we not, wasn't that the purpose of the hearing?

The Court: Talking about two telephone conversations.

Mr. Neal: I object to the question except to the extent it pertains to the telephone conversations.

Mr. Silets: If Your Honor please, if again the proposition is that these were illegally obtained and we can show

similar circumstances, either phone conversations or a Fargo device or anything that was used by the witness—, You know what a Fargo device is—(addressing Mr. Neal)—, then it doesn't make any difference; if it's still illegally obtained it's illegally obtained.

The Court: Well, proceed. We are on the motion that I have indicated this morning.

By Mr. Silets:

Q. Mr. Sheridan, let me ask you this: Did you ever furnish Mr. Partin any recording device?

Mr. Neal: Same objection.

The Court: Sustained.

[fol. 8164] Q. Well, may I inquire in this fashion, to your knowledge did Mr. Partin ever use a recording device?

Mr. Neal: Same objection.

The Court: Well, if we are talking about these two phone calls, he can tell.

The Witness: In relation to these two phone calls, I understand that a recording device was used.

By Mr. Silets:

Q. Well, did he ever use it as to any other call before or after or during this period between October 8 and 18?

A. Would you repeat that, Mr. Silets?

Q. Did Mr. Partin, to your knowledge, ever use such a device on any other occasion to record telephone conversations?

A. In connection with these two calls?

Q. Any other calls? What is your answer?

A. Well, I don't know if I am supposed to answer. The objection to that same question was sustained.

Q. You just answer the question.

Mr. Hooker: We object to it. It doesn't refer to the two calls in question.

The Court: Sustain the objection.

Mr. Silets: Your Honor, I don't understand what is going on here. Is this a game between Mr. Sheridan and [fol. 8165] Mr. Hooker and Mr. Neal? Now, he doesn't answer and tries to elicit objections. I think that I am entitled to examine the man and have him answer unless there is a proper objection. But for him to say I would like to have an objection, that is what he is doing here.

The Court: Well, proceed.

Mr. Neal: We withdraw any objections to any telephone calls, your Honor. We didn't mean to object to telephone conversations as far as the government is concerned.

The Court: Let's proceed, gentlemen, with any issues before us.

By Mr. Silets:

Q. All right, then since the government has withdrawn the objection, what is the answer?

A. Would you repeat the question again, Mr. Silets?

Mr. Silets: Would the reporter read that back?

(Thereupon, the reporter read back as follows:)

"Question: Did Mr. Partin, to your knowledge, ever use such a device on any other occasion to record telephone conversations?"

The Witness: No, sir.

By Mr. Silets:

Q. Now, you have heard of a Fargo device, haven't you?

A. No, sir.

[fol. 8166] Q. Never heard of that?

A. No, sir.

Q. Have you ever heard of a Roto?

A. No, sir.

Q. Will you hand those to him. Those are Exhibits 215 and 216, for identification, I believe, Mr. Sheridan?

A. Yes.

Q. Were those typed in your office?

A. Yes, sir.

Q. When were they typed in your office?

A. Some time in 1964.

Q. 1964?

A. Yes, sir.

Q. Was it your secretary who typed them?

A. I don't know, sir, one of the girls.

Q. Are those the first transcriptions of the phone conversations recorded and known in this case as October 8th and 18th?

A. As far as I know, yes.

Q. Now, we have had some testimony here, Mr. Sheridan, that there was a transcription of those conversations that were turned over to the Federal Government some time in—November or December, 1962.

A. If they were, I was not aware of it, Mr. Silets.

Q. Do you know whether they were turned over in the [fol. 8167] month of October, 1962?

A. If they were turned over they were turned over to Mr. Grimsley. If they were, I did not know it. These are the first—

Q. (Interposing) Do you mean he never did furnish them to you?

A. No, he did not. These are the first copies or transcripts of this I ever saw.

Q. And the recording was first played in your presence—when was the first time it was ever played in your presence?

A. At the time these transcripts were made.

Q. In January of this year?

A. Some time this year. I don't know when it was.

Q. Do you mean you never heard the tapes themselves in the year 1962?

A. No, sir.

Q. Mr. Grimsley indicates that the tapes were turned over to the government in 1962.

A. Well—

Q. (Interposing) Do you know to whom they were turned over?

A. If they were turned over to the United States Government it must have been Mr. Grimsley. It was not to me.

Q. Well, he was working under your supervision, was [fol. 8168] he not?

A. Yes, sir.

Q. Well, where would he have sent those, if anywhere?

A. I don't know, sir. I never had them.

Q. Now, Mr. Sheridan, you were employed by the Federal Government in the same capacity you are now in the month of September and the month of October, 1962. Is that correct?

A. Yes, sir.

Q. On or about those months didn't you have a conference or to your knowledge wasn't a conference had with individuals of the Department of Justice to determine as to the legality of making such recordings?

A. No, sir.

Q. Do you know Mr. Erdahl?

A. Yes, sir.

Q. Wasn't a conference held in Mr. Erdahl's presence to ascertain whether these recordings would be legal or not?

A. Not to my knowledge.

Q. Such a conference would in the ordinary course of the business of the Department of Justice have been in Mr. Erdahl's office or in his presence?

A. No, sir.

Q. That kind of a conference, wouldn't it?

A. No, sir.

[fol. 8169] Q. It would not? Who would pass upon that?

A. I don't know, Mr. Silets.

Q. Do you know Mr. McGrath?

A. Yes, sir.

Q. Now, that is the FBI agent, isn't it?

A. Yes, sir.

Q. To whom you reported, how many times did you speak to Mr. McGrath concerning this affair?

A. Concerning what?

Q. Concerning the matters that you learned about.

A. The matters in the two telephone calls we are talking about?

Q. Both the matters in the two phone calls and the other matter as well.

A. Well, maybe once or twice.

Q. Once or twice as to which?

A. Well, as to both matters. I actually—

Q. (Interposing) Pardon me?

A. Pardon me?

Q. You did discuss the two phone calls with Mr. McGrath?

A. No. I discussed the fact that Grimsley had reported to me the conversation he had with Mr. Partin. I discussed that with Mr. McGrath. I did not discuss the phone calls.

[fol. 8170] Q. You never discussed the phone calls with him?

A. No, sir.

Q. Well, after you had reported or discussed—after you had discussed with McGrath this particular matter which had been passed on to you by Grimsley, did you speak to him again?

A. I spoke to him many times.

Mr. Neal: We object, irrelevant. I think we will start objecting to this, your Honor, may be a way to cut it down. I don't see the relevancy of this. We object to it.

The Court: Sustained.

Mr. Silets: Your Honor, I would like to inquire of the Court whether these reports and these discussions of this witness with McGrath were reduced to writing, whether they do in fact constitute matters which are turned over to the Court or should be turned over to the defense?

The Court: Well, proceed. Sustain the objection.

By Mr. Silets:

Q. You did make a report or a report was made by the FBI of this, was it not?

A. A report was made of the FBI concerning the results of action taken by them in connection with the matter that we have been referring to as "the matter."

Q. And that is the report that is in Exhibit 118?

A. I don't know that, I believe it is, yes.

[fol. 8171] Q. All right. Now, what about the report that you yourself made?

A. I didn't make any report.

Q. Is it not your custom to make reports to your superiors?

A. You mean a written report?

Q. Yes.

A. No, sir.

Q. Not even a cryptic report?

A. No, sir.

Q. Now, Mr. Sheridan, in the year 1962 you had a credit card, did you not, issued to you and to be billed to the federal government?

A. Yes, sir.

Q. What was your number?

Mr. Neal: Your Honor, we object to that. I can see no relevancy.

The Court: Well, he may answer, if he knows.

By Mr. Silets:

Q. What is your answer?

A. The number is 150-7785, I believe K-32 at that time.

Q. Now, Mr. Sheridan, marked for identification are 21 exhibits, all under the group of Exhibit No. 239, representing phone calls charged to that credit card during the year [fol. 8172] 1962. Did you receive phone calls from Mr. Partin which you accepted and charged to your credit card?

A. I think there were some.

Q. Now, were there any other code names being used between you and Partin?

A. Not as I recall.

Q. The code name—did you have a code name?

A. I don't think so.

Q. The code name Anderson was Partin, is that right?

A. Yes, sir.

Q. I have in my hand a mark-sense card—I am not as experienced with them as the telephone people, but it is dated October 27, 1962, from Childersburg, Alabama, to Nashville, Tennessee, billed to 150-7785-K-32, made during the daytime, person to person, from a Mr. Anderson to a John Black. Who is John Black? This was charged to your credit card.

A. Yes, sir.

Q. Who is John Black?

A. I don't know, Mr. Silets, if on that occasion the call was placed using that name it may have referred to me, but I don't recall that.

Q. Do you mean you have accepted calls in the name of John Black?

A. I don't recall it, Mr. Silets.

[fol. 8173] Q. May I show you the card?

A. Yes, sir.

Q. Maybe that will help refresh your recollection.

A. (Witness examines the card referred to above.)

Q. Does that refresh your recollection?

A. No, sir. I talked to Mr. Partin many times and ordinarily there was no need to identify either voice and I just don't remember if I did use that name on that occasion or if he used it, I don't know.

Q. Now, did you ever record any of the conversations you had with Partin?

A. No, sir.

Q. Mr. Sheridan, will you tell us, tell the Court what other devices you or Mr. Partin used in obtaining evidence in the Nashville case or in this case?

Mr. Neal: We object to that.

The Court: Sustain the objection.

Mr. Silets: First, your Honor, our position is that if that evidence was obtained illegally it is the basis of our motion to suppress.

The Court: Yes, I understand your position.

By Mr. Silets:

Q. Now, Mr. Sheridan, do you recall an instance where you called Mr. Partin in Dallas, Texas, and asked him to come in to Nashville and he came in to Nashville and [fol. 8174] stayed for three hours and then left?

A. Yes, sir.

Q. What was the purpose of that?

A. I am not sure.

Mr. Neal: We object to that as not being relevant to the issues in the hearing.

The Court: Sustain the objection.

Mr. Silets: Your Honor, I am seeking to establish and I suggest to the Court that this is the highlight to indicate that this man on the witness stand was urging the Witness Partin to obtain evidence which could be used in this case or any other case which may be brought by a grand jury and inducing him to obtain that and giving him instructions of what he wanted him to say, telling him to come in to Nashville, give him the instructions, have him go back out and make phone calls which were introduced here, and I say this to your Honor, the illegality of the situation need—

The Court: (Interposing) I believe we have covered all of those matters in the examination of this witness on previous occasions. It's in the record.

Mr. Silets: No, sir, I don't believe we have, your Honor, not as far as this instance.

Mr. Neal: Your Honor, I remember the conversation, I remember Mr. Sheridan testified that he did not—

Mr. Berke: (Interposing) Just a minute, we don't [fol. 8175] want—

Mr. Silets: (Interposing) Your Honor, he is trying to tell Mr. Sheridan what to say.

Mr. Neal: I am not.

Mr. Silets: If he wants to make the statement, let the witness step off the stand.

Mr. Neal: I am not. I just remember what the witness testified before.

Mr. Haggerty: Where is it in the record, Mr. Neal?

Mr. Neal: I can find it for you.

[fol. 8176] The Court: Let's move along to something material, gentlemen.

Mr. Silets: Your Honor is ruling that I cannot inquire about this?

The Court: About what?

Mr. Silets: About this time that he has already indicated that he called Partin in Dallas, had him come to Nashville, Partin stayed three hours and then left again.

The Court: Well, you can ask him.

The Witness: Mr. Silets, I am not sure if I called Partin or Partin called me.

By Mr. Silets:

Q. All right, sir, I will show you the mark sense cards charged to credit card 150-7785-K32 from Nashville, Tennessee to Dallas, Texas on November 29th.

Mr. Schiffer: Your Honor, in the meantime may we have Mr. Reddy move back to the counsel table? He is exchanging notes with a questioner and we would rather he didn't observe that or stay in line with the witness. Let him not—

Mr. Reddy: The calendar was over there.

Mr. Schiffer: We just didn't want him sitting in our lap.

Mr. Hooker: He doesn't want to sit in your lap either.

Mr. Schiffer: I very much reciprocate.

[fol. 8177] By Mr. Silets:

Q. Does that refresh your recollection that you called him?

A. Well, I remember the conversation with Mr. Partin while he was in Dallas in which he indicated that he was coming back to Nashville. He did come back to Nashville. He did stay a short time and he did leave.

Q. Sir, you called him, isn't that right?

A. This indicates that I did.

Q. You called him and asked him to come in to Nashville, isn't that right?

A. No, sir, it is not right.

Q. All right, what did you call him about?

A. Well, as I recall Mr. Silets, and I may be wrong, I think Mr. Partin called me from Dallas. I think he was at the airport. I think that this call was placed back to him at the same location.

Q. Do you mean he called you from a pay station at the airport for you to call him back?

A. That is my recollection.

Q. And then he flew into Nashville and stayed for three hours and spoke to you and left?

A. Yes, sir.

Q. What was the purpose of that?

Mr. Neal: Your Honor, we object to that.

[fol. 8178] Mr. Silets: Now, Your Honor, if the Court please I will show how this is material and relevant.

The Court: All right, let's move along. He may answer.

The Witness: What is the question, Mr. Silets?

By Mr. Silets:

Q. Why did he come in at 3:30 in the morning and leave at 6:30 in the morning just to speak to you?

A. Mr. Silets, Mr. Partin had been—, what is the date of this call?

Q. November 29th.

A. By that time Mr. Partin had been in and out of Nashville since October 22nd was about six weeks prior to that. During that time he had furnished a considerable amount of information indicating that there was jury tampering

being engaged in in that trial. When he came back in to Nashville, he I'm sure came back to furnish more information. I would say that I was certainly willing that he came back. I did not direct him to come back.

Q. Yes, but he came back?

A. In other words, he was on his way to Baton Rouge anyway.

Q. He came back to Nashville for the purpose of seeing you and discussing a matter with you?

A. Well, he came back and did see me back—

[fol. 8179] Q. (Interposing) Three-thirty in the morning?

A. He didn't see me.

Q. Left at 6:30 in the morning?

A. No. As a matter of fact he didn't see me. He called me the next day.

Q. From where?

A. I don't recall either.

Q. Do you mean he came in to see you and stayed three hours and left and didn't see you?

A. No.

Mr. Neal: Now, that, is the distortion on the record. Mr. Sheridan just testified he did not come in to see him. Mr. Sheridan said he certainly was willing to see him because at this time there was wholesale assault on the jury.

Mr. Silets: What is your answer, sir?

Mr. Haggerty: I object to that, anything about a wholesale assault on the jury.

The Court: Let's proceed now.

Mr. Haggerty: I object to it and I would like a ruling to Mr. Neal's remarks and I ask that it be stricken from the record.

Mr. Neal: I withdraw any remarks.

The Court: All right.

By Mr. Silets:

[fol. 8180] Q. Isn't it true that you advised Mr. Partin that the phone call had been made on the 29th between Nicholas Tweel and Dallas Hall and you had asked him, asked him to come in for instructions?

A. No, sir.

Q. Isn't it true that you instructed him after he had been in Nashville to go back and place a call to Nicholas Tweel?

A. Of course not, sir.

Q. Of course not, it was all coincidental?

A. Is what all coincidental, Mr. Silets?

Q. Never mind.

Now, you encouraged Mr. Partin to stay in Nashville, didn't you?

A. No, sir. I was glad that he was there when he was there. In fact, he left many times when I wished he could have stayed there.

Q. As a matter of fact, you encouraged him to go to Nashville in the first instance, you did that through Mr. Grimsley?

A. I did not, sir.

Q. As a matter of fact didn't Mr. Grimsley and you encourage him to make the phone calls with Mr. Hoffa so that he could have a pretext to come to Nashville?

A. No, sir.

[fol. 8181] Q. Wasn't it very vital to you and weren't you interested in receiving the information in order for Partin to be in Nashville?

Mr. Neal: Your Honor, we object to all of this. Of course—

The Court: We have been over this. I remember that identical question almost having been asked this witness some several weeks ago. I have lost track of the time on it. Now, gentlemen, I will stay here with you if you want to go into this broad discovery that is completely outside the issues we are on but I'm telling you now we are going

to stay here, we are going to stay here Saturday and Sunday and every other day if you are going to persist in this type of inquiry. Let's move along.

Mr. Silets: Your Honor, may I point out to the Court this is not a matter of discovery.

The Court: Just move along, sir.

By Mr. Silets:

Q. When did you first learn of Partin's affidavit or statement of November 7, 1962?

A. On November 7, 1962.

Q. And did you advise Mr. Neal of that?

A. Yes, sir.

Q. Do you mean to say even with that knowledge and that information that the trial of the Nashville case per-
[fol. 8182] sisted for another six weeks?

A. Yes, sir.

Q. Was that by design between you and Mr. Neal?

A. No, sir.

Q. Was it agreed that this information would not be turned over to Judge Miller?

A. No, sir. The FBI was at that time conducting an extensive investigation into all these matters and trying to corroborate these matters.

Q. But as a matter of fact this information from Mr. Partin was already in your possession and in the possession of the prosecution, Mr. Neal?

A. Mr. Silets, I don't think the affidavit was on November—, I think the affidavit by Mr. Hoffa was on November 7th. The affidavit was sometime thereafter.

Q. Mr. Sheridan, Mr. Partin testified under oath that he had furnished information to the government on or about November 7th.

Mr. Neal: And that is just what Mr. Sheridan testified to, Your Honor.

The Witness: That is true.

Mr. Neal: We object to this argumentative type of question.

Mr. Silets: It is not argumentative.

The Witness: Mr. Silets, Mr. Partin reported to me the [fol. 8183] same day that statement was made which was November 7, 1962. Sometime thereafter near the end of the trial an affidavit was furnished by Mr. Partin to that effect.

[fol. 8184] Q. Do you mean to say that you couldn't obtain the same affidavit on November 7th if you so desired?

A. I don't know whether I could or couldn't, I didn't.

Q. I see. You permitted, you and Mr. Neal permitted the case to proceed until December 19th, about a week before its ultimate conclusion?

A. Mr. Silets, on November 7th all we had was a mere statement which we made considerable investigation to corroborate.

Q. Was Mr. Partin unwilling to—may I have those—was Mr. Partin unwilling to give you an affidavit on November 7, 1962?

A. He wasn't asked to.

Q. So he expressed no unwillingness to do then?

A. No, sir.

Q. You say you had not asked him to prepare an affidavit?

A. At that time?

Q. Yes.

A. No, sir.

Q. The first time you asked him to prepare an affidavit was December 19th?

A. I don't recall the date of the affidavit, it was on that day.

Q. That is the date of the notorial seal, the 19th of [fol. 8185] December?

A. Around that date.

Mr. Silets: Nothing further.

The Court: All right. May the witness be excused?

Mr. Neal: We do have one, we have one question.

Redirect examination.

By Mr. Neal:

Q. Mr. Sheridan, you say that you were getting this information. Were you endeavoring when you got the information to seek to substantiate it by investigation?

A. Yes, sir.

Q. And when your investigation indicated that there was a great substance to the statements did you then report it to the authorities, that is, the Federal Judge?

A. Yes, sir.

The Court: All right.

Mr. Silets: Your Honor—

Mr. Neal: (Interposing) Excuse me just a moment.

By Mr. Neal:

Q. Based on this was the Juror Fields stricken?

A. Yes, sir.

Q. And did the same thing take place theretofore with the Juror Paschal?

[fol. 8186] A. Yes, sir.

Q. In other words, when you got the information you substantiated it by FBI investigation and when that was borne out you turned it over to the Court or had it turned over to the Court?

A. Each time I got information it was turned over to the FBI, they conducted an investigation to corroborate the information, did corroborate it, at that time action was taken.

Recross examination.

By Mr. Silets:

Q. Did this investigation, sir, did they return those reports over to you?

A. Some of them.

Q. Where are those reports?

Mr. Neal: Your Honor, we object to this.

The Court: Sustain the objection.

Mr. Silets: Your Honor—

Mr. Neal: (Interposing) Some of those reports are Jencks statements, a good many of them are Jencks statements.

The Witness: You have many of them, Mr. Silets.

Mr. Silets: May it please the Court, these reports apparently were made to this man and then according to Mr. Neal he relied upon those reports and then asked the man [fol. 8187] to ask Partin to prepare an affidavit and it was only after the affidavit became a sealed document in the court that the Court took action upon the jurors, that the government knew or suspected something was going on for about six weeks.

The Witness: Mr. Silets, the FBI investigation—

The Court: (Interposing) Sustained. Just a moment. Sustain the objection. All right.

(Thereupon, Mr. Sheridan left the courtroom.)

Mr. Silets: Your Honor, may I recall him for just one question?

The Court: All right.

(Thereupon, Mr. Sheridan resumed the witness stand and the following further proceedings were had, to-wit:)

By Mr. Silets:

Q. Mr. Sheridan, I am sorry I had to recall you but I want to ask you one or two short questions. Do you know a Max Meyer?

A. (No response.)

Q. Sir?

A. Yes, sir.

Q. How long have you known him?

A. Well, certainly it has nothing to do with this lawsuit, Mr. Silets.

Q. Well, now, Mr. Sheridan, I want to ask you this, at [fol. 8188] the time these calls were made on October 8th and 18th had you discussed Mr. James R. Hoffa with Mr. Meyer?

Mr. Neal: We object, we object to that, your Honor, I think I know what this is, it certainly does not pertain to this lawsuit.

The Court: Sustain the objection.

Mr. Silets: Your Honor is ruling that I cannot inquire into the area of Mr. Meyer?

Mr. Neal: Maybe he should show your Honor what you are reading there and your Honor can judge whether it pertains to the lawsuit or not. Now, let's just submit it, let's just submit what you have in—

Mr. Silets: (Interposing) Mr. Neal, as soon as you submit all of your hidden statements and wire recordings I will submit what I think is proper to the Court.

Now, I apologize to the Court for having to make that statement but I think that nobody is going to challenge me without a reply. I apologize if I have offended the Court but I think Mr. Neal should be admonished about these activities of his.

Mr. Neal: Well, I object to the relevancy. I apologize to the Court, too.

The Court: I am unable to see any relevancy. Proceed.

Mr. Silets: All right.

[fol. 8189] The Court: Do you wish to proceed with the question?

Mr. Silets: Sir?

The Court: If you wish to proceed with the question, proceed. I say I am unable to see any relevancy.

By Mr. Silets:

Q. Well, who is Mr. Meyer, sir?

Mr. Neal: Objection, your Honor. And there is good faith in my statement, it is irrelevant. What Mr. Schiffer

is reading there will show the Court that it is irrelevant, I mean Mr. Silets.

The Court: Well, I am unable to but I will let him answer.

A. Mr. Meyer is an individual that lives in New York City.

Q. Well, what is your connection with Mr. Meyer?

Mr. Neal: I object to that, your Honor, and again it's a matter of good faith.

The Court: Sustained.

Mr. Schiffer: I ask your Honor on behalf of the defendant Parks that the answer at least be responsive from the witness. He was not asked where he lives, he was asked to describe him and I think it is very material to this investigation. What Mr. Neal wants to cut off is every avenue of defense to the defense in this case.

[fol. 8190] Now, I will leave it to Mr. Silets, speaking on behalf of all defendants at this point, I have not yet taken my turn but we will save time if that is what Mr. Neal wants to do by letting the witness be responsive to the question asked and if your Honor will listen to the question which is asked you will see that the answer is totally unresponsive.

The Court: Well.

A. Well, Mr. Meyer is a business man from New York.

Q. Sir?

A. It's my understanding he is a business man from New York City.

Q. Now, did you ever discuss the prosecution of the defendant, James R. Hoffa, with Mr. Meyer?

A. Absolutely not.

Q. Did you discuss this case with him?

A. No, sir.

Mr. Silets: You may step down, Mr. Sheridan.

(Witness excused.)

Mr. Silets: Now, your Honor, I have offered in evidence yesterday a large segment of the transcript in support of the motion to suppress. I offered in evidence on the motion to suppress these telephone calls, the testimony of the three witnesses today, Daniels, Grimsley and Sheridan, and it is my position, your Honor, that all of that submission to the Court on the motion to suppress is sufficient to establish [fol. 8191] with the Court that a prima facie showing has been made that wire tappings exist in the case. The government—and I believe from the method and manner in which the calls are recorded that it is so obvious that such recordations were obtained in an illegal manner.

• • • • • • •

[fol. 8207]

OVERRULING OF MOTIONS TO SUPPRESS, ETC.

The Court: Gentlemen, with regard to the respective motions to suppress the testimony on the ground of alleged illegal recordings, the Court finds, first, that the telephone recordings on October the 8th and the 18th, 1962, were done with the consent of and by the person who placed the call, namely Mr. Partin.

Second, that any evidence in the present case which was obtained as a result of telephone calls upon October the 8th and 18th, 1962, was obtained from independent legal sources or independent source, to wit, the Witness Partin, rather than from any recording.

Third, that no evidence produced in the present case was the result of or the fruit of any recorded telephone calls upon October the 8th and 18th, 1962, and all evidence was obtained independent of the said recorded calls; and

Fourth, that neither the recordings nor any transcription thereof was introduced or sought to be introduced in evidence in this case by the prosecution but, on the other hand, was introduced into the evidence by the defendants themselves.

The Court is of the opinion that the motion to suppress and each motion to suppress should be overruled.

Mr. Schiffer: Your Honor, on behalf of the Defendant Parks I specifically move that the entire testimony of the Witness Partin at this time be suppressed and taken from [fol. 8208] the evidence and consideration by the jury on the ground that the Court is now aware and has been aware for some time that the Witness Partin in a very material issue perjured himself, that that perjury was known to the prosecution because Mr. Neal has already stated time and again to this Court prior to today that Mr. Neal was acquainted with the contents of those transcriptions which were again taken from those very recordings and that it becomes as a matter of law, this Court now having judicial notice of the actual perjury committed by the Witness Partin, that this Court now dismiss from this case and remove from this case and suppress in its entirety the perjured testimony of the Witness Partin and that this Court admonish the prosecution for tendering perjured testimony knowingly.

[fol. 8209] The Court: Allow that motion to be overruled.

Mr. Haggerty: All defendants have the benefit of that motion, your Honor?

The Court: Yes, sir, and allow it to be overruled as to all defendants. All right, gentlemen, what is the next matter for us?

• • • • • • •

[fol. 8250]

GOVERNMENT'S EXHIBIT No. 94

(See opposite) ☞

620 PARTIN E G 800 824
P W BATON ROUGE LA 10-22-62
BOX 526

E 28075

S M T W T F S

[fol. 8250]

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Firm City State

Room No. 620 Rate 8.00 Clerk O'

...ERICA
v.
...S R. HOFFA, ET AL,
And EXCELSIOR INS. CO.

1581

[fol. 8251]

ROOM CLERK

OCT 22 PM 12 22

ANDREW JACKSON
HOTEL

OCT 23 PM 3 21

[fol. 8252]

[redacted]
P W [redacted] LA [redacted]
[redacted]

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ROOM CHARGE [illegible]
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From Folio To Folio

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
LOCAL TELEPHONE CALLS							

CHANGED

DATE	TO ROOM	NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	OCT22-62	LUNCH —	* 2.53				A -620
	2	OCT22-62	LUNCH —	* 1.87		* 4.40	* 4.40	A -620
	3	OCT22-62	LUNCH —	* 1.21		* 5.61	* 5.61	B -620
	4	OCT22-62	LUNCH —	* 3.69		* 9.30	* 9.30	B -620
	5	OCT22-62	LUNCH —	* 0.94		* 10.24	* 10.24	B -620
	6	OCT22-62	[redacted]	* 8.24		* 18.48	* 18.48	D - 20
	7	OCT23-62	LUNCH —	* 4.79		* 23.27	* 23.27	D -620
	8	OCT23-62	LUNCH —	* 1.76		* 25.03	* 25.03	A -620
	9	OCT23-62	PHONE —	* 0.80		* 25.83	* 25.83	B - •
	10	OCT23-62	— PAID		[redacted]	* 0.00		B - •
	11							
	12							
	13		UNITED STATES OF AMERICA					
	14		V.					
	15		JAMES R. HOFFA, ET AL					
	16		Govt EXHIBIT NO. 74					
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REMARKS

TRANSFER TO CREDIT LEDGER

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[fol. 8253]

DEFENDANT'S EXHIBIT No. 95

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION
Criminal Action No. 13,241

UNITED STATES OF AMERICA

v.

JAMES R. HOFFA and COMMERCIAL CARRIERS, INC.

TRANSCRIPT OF PROCEEDINGS ON DECEMBER 5, 1962.

• • • • • • •

[fol. 8254] Q. I take you back to December of 1953, and I ask you whether or not—

Mr. Neal: Your Honor, may I object to the further line of questioning and ask to take something up with the court. I think I can point out the line of questioning. I think it is irrelevant. I think the court has ruled upon it and I wonder if we could discuss this. It might save some time.

Mr. Bufalino: Have you been listening to our conversations? How would you know what I am going to ask this witness.

Mr. Neal: I am psychic.

Mr. Bufalino: Psychic or psycho?

Mr. Neal: If it was December of 1953 I think I know the line of inquiry.

• • • • • • •

[fol. 8255]

DEFENDANT'S EXHIBIT No. 96

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

Criminal Action No. 13,241

UNITED STATES OF AMERICA

v.

JAMES R. HOFFA and COMMERCIAL CARRIERS, INC.

TRANSCRIPT OF PROCEEDINGS ON DECEMBER 10, 1962.

• • • • • • •

[fol. 8256] By Mr. Neal:

Q. Mr. Sammut, when did you first talk to defense counsel?

A. When did I first talk to who?

Q. Defense counsel.

A. A week ago Sunday night.

Q. Where did you talk to them?

A. Andrew Jackson Hotel.

Q. To whom did you talk?

A. I talked to a lot of lawyers there, I don't know.

Q. Did you go over your testimony?

A. Some they asked me, yes.

Q. How did you go over it?

A. They asked me some questions—what I remember and what I recalled.

Q. They asked you some questions?

A. Yes, sir.

Q. Just asked you? They just asked the questions and you answered them?

[fol. 8257] A. That is right.

Q. That is all they did, Mr. Sammut?

A. That is right.

Q. Did they give you anything to read, Mr. Sammut?

A. No, sir; not even a newspaper.

Q. Not even a newspaper. I am not talking about newspapers. I am talking with respect to your testimony.

Did they give you anything to read with respect to your testimony?

A. After I talked to them.

Q. They gave you written questions and answers, didn't they?

A. The questions that they asked me and the questions that I answered.

Q. They gave you that written out, didn't they?

A. Yes, sir.

Q. Didn't they tell you to go out and read it?

A. No, sir.

Q. What did they give it to you for?

A. Well, they gave it to me.

Q. I beg your pardon?

A. I asked them if I could have one and they gave it to me.

Q. They gave you the written questions and the answers?

A. Yes, sir.

[fol. 8258] Q. Did you read your written questions and answers?

A. I looked over the first page and put it in my pocket. I was too tired to do anything about it.

Q. That was the first time. Did you talk to them again?

A. Yes, sir.

Q. Did you go back over your written questions and answers?

A. Not all the way, just asked me a few questions.

Q. You read your few written answers?

A. No, I didn't read them. I answered them.

Q. You answered them?

A. Yes, sir.
Q. But you still had your written questions and answers?
A. I believe I still had them.
Q. Do you still have them here?
A. I think so.
Q. Do you have them in your pocket?
A. No, sir.
Q. Where did you leave them?
A. I might have left them in the hotel room.
Q. You don't know?
A. No, I am not sure. I might have even left them in Detroit. I don't even know.

• • • • • • •

[fol. 8259]

GOVERNMENT'S EXHIBIT No. 98

(See opposite) ☞

GOVERNMENT'S EXHIBIT NO. 98

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL.
EXHIBIT NO. 98

James Robertson Hotel

REGISTRATION CARD

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NAME E. G. Partin

Street Box #526

City and State Baton Rouge, Louisiana

ROOM 1010 DATE 7-20 REMARKS

ARRIVED	A.M. P.M.	DEPARTED	A.M. P.M.	CLERK	NO. OF GUESTS
				B	1

OCT 25 7 50 PM '62

[fol. 8259]

1589

1010
Room No. 1000

JAMES ROBERTSON HOTEL
NASHVILLE, TENN.

B ✓ 4118

NAME PARTIN E G

Reg. Date 10-25-62 Day 700 Monthly Render Bill

From card To card Cash Sheet 51

Date	10-25	10-26
CREDIT BAL.		
Balance		15 14
Room	700	
3% Sales Tax	21	
Garage		
3% Sales Tax		
Cafe		
Local Telephone	40	40
	40	
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	20	
Long Distance Tel.	60	1 43
	1 40	
	1 43	
Laundry		
Dry Cleaning		
Telegram		
Sundry (Itemize)		
	8 12	1 20
Total		
Cash		16 97
Allowance		
Balance Forward	15 14	
CREDIT BAL. FORW'D.		

623 PARTIN E G 650 670
B W BATON ROUGE LA 10-28-62
BOX 526

E 28761

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PARTIN

Name E. G. Partin
Street Rt #526 City Baton Rouge State La
Firm City State
Room No. 623 Rate 6.50 Clerk B

[fol. 8261]

GOVERNMENT'S EXHIBIT No. 99

1591

[fol. 8262]

ROOM CLERK

1962 OCT 28 PM 6 59

ANDREW JACKSON
HOTEL

HOTEL
ANDREW JACKSON

1962 OCT 31 AM 11 21

[fol. 8263]

[redacted]

DINKLER-ANDREW JACKSON HOTEL
NASHVILLE, TENNESSEE

ROOM CHARGE INCLUDES STATE SALES TAX

E 28761

From Folio ____ To Folio ____

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	CHANGED DATE	CHANGED TO ROOM	CHANGED NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	2	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	3	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	4	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	5	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	6	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	7	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	8	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	9	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	10	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	11	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	12	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	13	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	14	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	15	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	16	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	17	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	18	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	19	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	20	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	21	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	22	[redacted]	[redacted]	[redacted]		[redacted]	[redacted]	[redacted]
	23	[redacted]	— PAID		[redacted]	[redacted]		[redacted]
	24							

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

UNITED STATES OF AMERICA
v.
JAMES R. HOFFA, ET AL,
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for identification only

822 PARTIN E G 800 824
H W BARON ROUGE LA 11-4-62
2509 SENECA

E 29275

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UNITED STATES OF AMERICA
V.
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GOVERNMENT'S EXHIBIT No. 100

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100
Bond
PARTIN

Name E H Partin
Street 2509 Seneca City Baton Rouge State La
Firm City State
Room No. 822 Rate 8 - Clerk

[fol. 8265]

ROOM CLERK.

1962 NOV 4 PM 7 46

ANDREW JACKSON
HOTEL

[fol. 8266]

[redacted]

DINKLER-ANDREW JACKSON HOTEL

[redacted]

ROOM CHARGE INCLUDES 3% STATE SALES TAX

E 29275

From Folio To Folio

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
LOCAL TELEPHONE CALLS							

CHANGED

DATE	TO ROOM	NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	[redacted]-4-62	[redacted] —	* 2.31		* 2.31	* 2.31	A -822
	2	[redacted]-4-62	[redacted] —	* 5.94		* 8.25	* 8.25	A -822
	3	[redacted]-4-62	[redacted] —	* 5.34		* 13.59	* 13.59	A -822
	4	[redacted]-4-62	[redacted]	* 8.54				D - 22
	5	[redacted]-4-62	[redacted]	* 8.48		* 22.03	* 22.03	D - 22
	6	[redacted]-5-62	[redacted] —	* 17.71		* 39.74	* 39.74	B -822
	7	[redacted]-5-62	[redacted] —	* 2.86		* 42.60	* 42.60	B -822
	8	[redacted]-5-62	[redacted]	* 8.54				D - 22
	9	[redacted]-5-62	[redacted]	* 8.48		* 51.44	* 51.44	D - 22
	10	[redacted]-6-62	[redacted] —	* 1.98		* 53.42	* 53.42	D -822
	11	[redacted]-6-62	[redacted] —	* 0.99				B -822
	12	[redacted]-6-62	[redacted] —	* 0.46		* 55.07	* 55.07	B -822
	13	[redacted]-6-62	[redacted] —	* 0.46				B -822
	14	[redacted]-6-62	[redacted] —	* 0.99		* 56.72	* 56.72	B -822
	15	[redacted]-6-62	[redacted] —	* 2.86		* 59.58	* 59.58	B -822
	16	[redacted]-6-62	[redacted] —	* 0.46		* 60.24	* 60.24	B -822
	17	[redacted]-6-62	[redacted] —	* 2.86		* 63.10	* 63.10	B -822
	18	[redacted]-6-62	[redacted]	* 8.54				D - 22
	19	[redacted]-6-62	[redacted]	* 1.88		* 72.34	* 72.34	B - 22
	20	[redacted]-7-62	[redacted] —	* 2.88				D -822
	21	[redacted]-7-62	[redacted] —	* 7.10		* 83.24		D -822
	22						* 83.24	
	23	[redacted]-7-62	[redacted] —	* 0.20		* 83.44	* 83.44	A -822
	24	[redacted]-7-62	[redacted] — PAID		[redacted]	[redacted]		A —

REMARKS

TRANSFER TO CREDIT LEDGER

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JAMES R. HOFFA, ET AL.
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for identification

[fol. 8267]

GOVERNMENT'S EXHIBIT No. 101

E 30331

3V #326 385 PARTIN E G & MRS 13-00-1339
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v.
JAMES R. HOFFA, ET AL.
GV EXHIBIT NO. 101

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES, MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE

Name E J Partin PARTIN
Street 2569 Seneca City Baton Rouge State La
Firm City State
Room No. 345 Rate 13.00 Clerk T.

1597

[fol. 8268]

ROOM CLERK

1962 NOV 14 AM 1 36

ANDREW JACKSON
HOTEL

[fol. 8269]

[redacted] LA 25-13-62

DINKLER-ANDREW JACKSON HOTEL
NASHVILLE, TENNESSEE
ROOM CHARGE INCLUDES 3% STATE SALES TAX

E 30331

From Folio

To Folio

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	CHANGED DATE	CHANGED TO ROOM	CHANGED NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	NOV 14-62	ROOM —	* 13.39		* 13.39	* 13.39	D -34
	2	NOV 14-62	ROOM [redacted]	* 13.39				D - 18
	3	NOV 14-62	PHONE [redacted]	* 0.80		* 26.98		D - 18
	4	NOV 14-62	ROOM [redacted]	* 3.09		* 3.09		D - 18
	5	NOV 14-62	MISC. —	* 0.80		* 30.07	* 30.07	D -328
	6	NOV 15-62	LUNCH —	* 2.20		* 32.27	* 32.27	B 326
	7	NOV 15-62	PHONE —	* 0.20		* 32.47	* 32.47	A -328
	8	NOV 15-62	— PAID		[redacted]	* 0.00		A - •
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
	20							
	21							
	22							
	23							
	24							

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL.
Govt EXHIBIT NO. 101

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

1021- PARTIN E G 750 773

B-H- 2509- SENECA

BATON ROUGE LA 11-19-62

E 30922

S | M | T | W | T | F | S

PLEASE CHECK YOUR BAGGAGE OR SEND SAME TO YOUR ROOM: OTHERWISE THE HOTEL COMPANY WILL NOT BE RESPONSIBLE FOR LOSS.

Dinkler-Andrew Jackson

DIRECTION
DINKLER HOTEL CORPORATION
"DISPENSERS OF TRUE SOUTHERN HOSPITALITY"

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES, MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE

Name E. G. Partin

Street 2509 Seneca City Baton Rouge State La

Firm City State

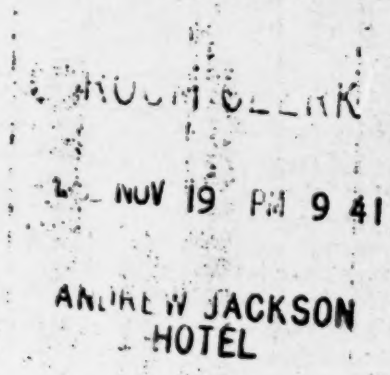
Room No. 1021 Rate 7.50 Clerk B

UNITED STATES OF AMERICA
v.
JAMES R. HOFFA, ET AL,
DEFT. EXHIBIT NO. 102
PARTIN

1600
[fol. 8270]

GOVERNMENT'S EXHIBIT No. 102

[fol. 8271]



[fol. 8272]

[redacted]

DINKLER-ANDREW JACKSON HOTEL

NASHVILLE, TENNESSEE

ROOM CHARGE INCLUDES 3% STATE SALES TAX

From Folio

To Folio

E 30922

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	CHANGED DATE	CHANGED TO ROOM	CHANGED NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	NOV19-62	REST —	* 0.99		* 0.99	* 0.99	B 1021
	2	NOV19-62	REST —	* 4.79		* 5.78	* 5.78	B 1021
	3	NOV19-62	REST —	* 2.37		* 8.15	* 8.15	B 1021
	4	NOV19-62	ROOM 0000	* 7.13				D - 21
	5	NOV19-62	PHONE 0000	* 0.20				D -
	6	NOV19-62	PHONE 0000	* 0.20		* 16.28	* 16.28	D - 21
	7	NOV20-62	REST —	* 3.30		* 19.58	* 19.58	B1021
	8	NOV20-62	REST —	* 2.86		* 22.44	* 22.44	B 1021
	9	NOV20-62	REST —	* 4.20				B 1021
	10	NOV20-62	REST —	* 1.98		* 28.66	* 28.66	B 1021
	11	NOV20-62	REST —	* 1.43		* 30.09	* 30.09	B 1021
	12	NOV20-62	PHONE 0000	* 0.20				D - 21
	13	NOV20-62	ROOM 0000	* 7.13		* 38.62	* 38.62	D - 21
	14	NOV21-62	PHONE —	* 0.20		* 38.82	* 38.82	A 1021
	15	NOV21-62	— PAID		[redacted]	* 0.00		A 1021
	16							
	17							
	18							
	19							
	20							
	21							
	22							
	23							
	24							

UNITED STATES OF AMERICA

v.

JAMES R. HOFFA, ET AL.

Govt EXHIBIT NO. 102

For identification

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

918- PARTIN E G 800 824
P-11- BOX 526- BATON ROUGE L A
11-27-62

E 31815
3

S | M | T | W | T | F | S

PLEASE CHECK YOUR BAGGAGE OR SEND SAME TO YOUR ROOM: OTHERWISE THE HOTEL COMPANY WILL NOT BE RESPONSIBLE FOR LOSS.

Dinkler-Andrew Jackson

DIRECTION
DINKLER HOTEL CORPORATION
"DISPENSERS OF TRUE SOUTHERN HOSPITALITY"

UNITED STATES OF AMERICA

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES, MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE

JAMES R. HOFFA, ET AL.
EXHIBIT NO. 103

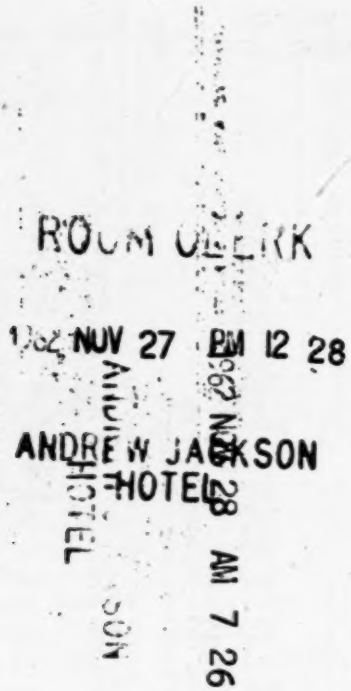
Name	E. G. Partin				
Street	Box #526	City	Baton Rouge	State	La.
Firm		City		State	
Room No.	918	Rate	8.00	Clerk	

[fol. 8273]

GOVERNMENT'S EXHIBIT No. 103

1603

[fol. 8274]



[fol. 8275]

[redacted]

DINKLER-ANDREW JACKSON HOTEL
NASHVILLE, TENNESSEE
NARROW CHARGE INCLUDES 3% STATE SALES TAX

E 31313

From Folio ____ To Folio ____

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	CHANGED DATE	CHANGED TO ROOM	CHANGED NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	10V27-62	L DIST —	* 1.76		* 1.76	* 1.76	A -9[illegible]8
	2	10V27-62	L DIST —	* 3.96		* 5.72	* 5.72	A -9[illegible]8
	3	10V27-62	L DIST —	* 4.79		* 10.51	* 10.51	A -9[illegible]8
	4	10V27-62	[redacted]	* 8.84				D - [illegible]8
	5	10V27-62	PHONE [redacted]	* 0.60		* 19.35	* 19.35	D - [illegible]8
	6	10V28-62	PHONE —	* 0.20		* 19.55	* 19.55	B - [illegible]
	7	10V28-62	— PAID		[redacted]19.55	* 0.00		B - [illegible]
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
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	21							
	22							
	23							
	24							

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL.
Gov't EXHIBIT NO. 103
for identification only.

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

908 PARTIN E G 6-00 618
BATON ROUGE LA 11-29-62

E 31658

S | M | T | W | T | F | S

PLEASE CHECK YOUR BAGGAGE OR SEND SAME TO YOUR ROOM; OTHERWISE THE HOTEL COMPANY WILL NOT BE RESPONSIBLE FOR LOSS.

Dinkler-Andrew Jackson

DIRECTION
DINKLER HOTEL CORPORATION
"DISPENSERS OF TRUE SOUTHERN HOSPITALITY"

UNITED STATES OF AMERICA V. JAMES R. HOFFA, ET AL
EXHIBIT NO. 104

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES, MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE.

Name	E. G. Partin				
Street	Box #526	City	Baton Rouge	State	La.
Firm		City		State	
Room No.	908	Rate	6.00	Clerk	T

[fol. 8277]

ROOM CLERK

NOV 30 AM 3 30

ANDREW JACKSON
HOTEL

[fol. 8278]

[redacted]

DINKLER-ANDREW JACKSON HOTEL

NASHVILLE, TENNESSEE

ROOM CHARGE INCLUDES 3% STATE SALES TAX

E 31658

From Folio To Folio

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	CHANGED DATE	CHANGED TO ROOM	CHANGED NEW RATE
LOCAL TELEPHONE CALLS										

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	[redacted]	[redacted] —	* 6.30		* 6.30	* 6.30	E -908
	2	[redacted]	[redacted] —	* [redacted]		* 6.30	* 6.30	E -908
	3	[redacted]	— PAID		[redacted]	* [redacted]		B - [redacted]
	4							
	5							
	6							
	7							
	8							
	9							
	10							
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2U AM 6 59

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL.
EXHIBIT NO. 104
Gov't
Defts

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

932- PARTIN E A 800 824
B-M- BOX 526-
BATON ROUGE LA 12-3-62

E 32081

[fol. 8279]

GOVERNMENT'S EXHIBIT No. 105

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL.
EXHIBIT NO.

PLEASE CHECK YOUR BAGGAGE OR SEND SAME TO YOUR ROOM: OTHERWISE THE HOTEL COMPANY WILL NOT BE RESPONSIBLE FOR LOSS.

Dinkler-Andrew Jackson

DIRECTION
DINKLER HOTEL CORPORATION
"DISPENSERS OF TRUE SOUTHERN HOSPITALITY"

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES, MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE.

PARTIN

Name E A Partin
Street Box 526 City State
Firm City Baton Rouge State La
Room No. 932 Rate 5 Clerk B

1609

[fol. 8280]

ROOM CLERK

DEC 3 PM 7-01

ANDREW JACKSON
HOTEL

DEC 7 AM 6 49

[fol. 8281]

[redacted]

DINKLER-ANDREW JACKSON HOTEL
NASHVILLE, TENNESSEE

CHARGE INCLUDES 3% STATE SALES TAX

E 32081

From Folio

To Folio

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

CHANGED

DATE	TO ROOM	NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1							
	2	DEC-3-62	L'REST —	* 0.99		* 0.99	* 0.00	B -932
	3	DEC-3-62	L'REST —	* 2.82			* 0.99	B -932
	4	DEC-3-62	L'REST —	* 1.50				B -932
	5	DEC-3-62	L'REST —	* 1.16		* 6.61	* 6.61	B -932
	6	DEC-3-62	L'REST —	* 2.50				B -932
	7	DEC-3-62	L'REST —	* 0.99		* 10.19	* 10.19	B -932
	8	DEC-3-62	ROOM ****	* 8.24		* 18.43	* 18.43	D - 32
	9	DEC-4-62	L'REST —	* 4.95		* 23.38	* 23.38	B -932
	10	DEC-4-62	L'REST —	* 0.66		* 24.04	* 24.04	B -932
	11	DEC-4-62	L'REST —	* 2.64				B -932
	12	DEC-4-62	L'REST —	* 3.96		* 30.64	* 30.64	B -932
	13	DEC-4-62	L'REST —	* 2.31		* 32.95	* 32.95	B -932
	14	DEC-4-62	ROOM ****	* 8.24		* 41.19	* 41.19	D - 32
	15	DEC-5-62	L'REST —	* 0.88		* 42.07	* 42.07	A -932
	16	DEC-5-62	L'REST —	* 5.39		* 47.46	* 47.46	A -932
	17	DEC-5-62	L'REST —	* 1.32		* 48.78	* 48.78	B -932
	18	DEC-5-62	L'REST —	* 5.40		* 54.18	* 54.18	B -932
	19	DEC-5-62	L'REST —	* 4.24		* 58.42	* 58.42	B -932
	20	DEC-5-62	L'REST —	* 2.92		* 61.34	* 61.34	B -932
	21	DEC-5-62	ROOM ****	* 8.24				D - 32
	22	DEC-5-62	PHONE ****	* 0.40		* 69.98	* 69.98	D - 32
	23	DEC-6-62	L'REST —	* 1.76		* 71.74		D -932
	24							

REMARKS

DEC-6-62 PAID — * 71.74

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

TO

ADDRESS

APPROVED BY

-932

UNITED STATES OF AMERICA
v.
[redacted] JAMES R. HOFFA, ET AL.
Govt's EXHIBIT NO. 105
for identification only

[fol. 8282]

938 PARTIN E A 800 634
B N BATON ROUGE LA 12-3-62
BOX 526 32861

DINKLER-ANDREW JACKSON HOTEL
NASHVILLE, TENNESSEE

From Folio ____ To Folio ____

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	DATE	CHANGED TO ROOM	NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	DEC-6-62	PAID —	* 71.74				A -932
	2	DEC-6-62	REST —	* 2.31		* 74.05	* 74.05	A -932
	3	DEC-6-62	REST —	* 2.64		* 76.69	* 76.69	B -932
	4	DEC-6-62	REST —	* 3.41		* 80.10	* 80.10	B -932
	5	DEC-6-62	REST —	* 1.76		* 81.86	* 81.86	B -932
	6	DEC-6-62	ROOM 0300	* 8.24		* 90.10	* 90.10	E - 32
	7	DEC-7-62	— PAID		90.10	* 0.00		E -932
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17		105					
	18							
	19							
	20							
	21							
	22							
	23							
	24							

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

932- PARTIN E G 800 824 INDEF
BOX 526- BATON ROUGE LA
12-10-62

E 32670

INDEF

S	M	T	W	T	F	S

PLEASE CHECK YOUR BAGGAGE OR SEND SAME TO YOUR ROOM: OTHERWISE THE HOTEL COMPANY WILL NOT BE RESPONSIBLE FOR LOSS.

Dinkler-Andrew Jackson

DIRECTION
DINKLER HOTEL CORPORATION
"DISPENSERS OF TRUE SOUTHERN HOSPITALITY"

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES OR MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE

PARTIN

Name E G Partin Baton Rouge La.
Street Box #526 City B R La. State La
Firm City State
Room No. 932 Rate 8 Clerk B

UNITED STATES OF AMERICA
v.
JAMES R. HOFFA, ET AL.
Govt. EXHIBIT NO. 106

GOVERNMENT'S EXHIBIT No. 106

[fol. 8283]

[fol. 8284]

ROOM CLERK

DEC 10 PM 1 10

ANDREW JACKSON
HOTEL

[fol. 8285]

[redacted]

WINKLER-ANDREW JACKSON HOTEL
NASHVILLE, TENNESSEE

ROOM CHARGE INCLUDES STATE SALES TAX

From Folio

To Folio

E 32670

LOCAL TELEPHONE CALLS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	DATE CHANGED	TO ROOM	NEW RATE

CA

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	DEC10-62	L'DIST —	* 1.10		* 1.10	* 1.10	B -932
	2	DEC10-62	L'DIST —	* 2.86		* 3.96	* 3.96	A -932
	3	DEC10 62	L'DIST —	* 0.00				A -932
	4	DEC10-62	L'DIST —	* 1.32		* 6.16	* 6.16	A -932
	5	DEC10-62	L'DIST —	* 15.24		* 21.40	* 21.40	A -932
	6	DEC10-62	ROOM 0000	* 8.00				D - 32
	7	DEC10-62	PHONE 0000	* 0.00		* 29.84	* 29.84	D - 32
	8	DEC11-62	L'DIST —	* 3.30		* 33.14	* 33.14	B -932
	9	DEC11-62	L'DIST —	* 4.84		* 37.98	* 37.98	B -932
	10	DEC11-62	L'DIST —	* 4.29				A -932
	11	DEC11-62	L'DIST —	* 7.05		* 49.32	* 49.32	A -932
	12	DEC11-62	PHONE 0000	* 0.00				D - 32
	13	DEC11-62	ROOM 0000	* 8.00		* 57.76	* 57.76	D - 32
	14	DEC12-62	L'DIST —	* 2.31		* 60.07	* 60.07	D -932
	15	DEC12-62	L'DIST —	* 1.32		* 61.39	* 61.39	B -932
	16	DEC12-62	L'DIST —	* 0.66		* 62.05	* 62.05	A -932
	17	DEC12-62	L'DIST —	* 5.89		* 67.94	* 67.94	A -932
	18	DEC12-62	ROOM 0000	* 8.00				D - 32
	19	DEC12-62	PHONE 0000	* 0.00		* 76.38	* 76.38	D - 32
	20	DEC13-62	L'DIST —	* 4.46		* 80.84	* 80.84	D -932
	21	DEC13 62	L'DIST —	* 0.00		* 81.72	* 81.72	A -932
	22	DEC13 62	L'DIST —	* 4.46		* 86.18	* 86.18	A -932
	23	DEC13 62	L'DIST —	* 3.14		* 89.32	* 89.32	A -932
	24	[redacted]	[redacted]	* 8.24	[redacted]	* 97.56	* 97.56	B -932

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

[redacted] ET AL
Gold Exhibit No. 106

724 PARTIN E G 600 624
N BATON ROUGE LA 12/16/62

E 33351

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL,
Gov't. Exhibit No. 107
PARTIN

PLEASE CHECK YOUR BAGGAGE OR SEND SAME TO YOUR ROOM; OTHERWISE THE HOTEL COMPANY WILL NOT BE RESPONSIBLE FOR LOSS.

Dinkler-Andrew Jackson

DIRECTION
DINKLER HOTEL CORPORATION
"DISPENSERS OF TRUE SOUTHERN HOSPITALITY"

GUESTS ARE HEREBY NOTIFIED THAT THE COMPANY WILL NOT BE RESPONSIBLE FOR VALUABLES, MONEY, JEWELRY, CLOTHING ETC. UNLESS THE SAME ARE DEPOSITED IN SAFE

Name	E G Partin				
Street	Box 5216	City	Baton Rouge	State	La
Firm		City		State	
Room No.	716	Rate	8 —	Clerk	

[fol. 8287]

DEC 16 P 9 55

ANDREW JACKSON
HOTEL

[fol. 8288]

[redacted]

DINKLER-ANDREW JACKSON HOTEL

NASHVILLE, TENNESSEE

E 33351

From Folio To Folio

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
LOCAL TELEPHONE CALLS							

CHANGED

DATE	TO ROOM	NEW RATE

Memo		Date	Explanation	Charges	Credits	Bal. Due	Pick Up	Room
	1	DEC 16-62	L'DIST —	* 0.66		* 0.66	* 0.66	A -724
	2	DEC 16-62	L'DIST —	* 1.54		* 2.20	* 2.20	A -724
	3	DEC 16-62	ROOM 0300	* 8.24		* 10.44	* 10.44	D - 14
	4	DEC 17-62	L'DIST —	* 1.54				D -724
	5	DEC 17-62	L'DIST —	* 2.26		* 14.24	* 14.24	D -724
	6	DEC 17-62	ROOM 0300	* 8.24				D - 14
	7	DEC 17-62	PHONE 0300	* 8.44		* 22.68	* 22.68	D - 14
	8	DEC 18-62	L'DIST —	* 1.65		* 24.33	* 24.33	B -724
	9	DEC 18-62	L'DIST —	* 3.65				B -724
	10	DEC 18-62	L'DIST —	* 0.88		* 29.06	* 29.06	B -724
	11	DEC 18-62	L'DIST —	* 12.76		* 41.82	* 41.82	B -724
	12	DEC 18-62	L'DIST —	* 1.21		* 43.03	* 43.03	B -724
	13	DEC 18-62	ROOM 0300	* 8.24		* 51.27	* 51.27	D - 14
	14	DEC 19-62	L'DIST —	* 0.88				B -724
	15	DEC 19-62	L'DIST —	* 1.54				B -724
	16	DEC 19-62	L'DIST —	* 4.38		* 57.87	* 57.87	B -724
	17	DEC 19-62	L'DIST —	* 2.20		* 60.07	* 60.07	B -724
	18	DEC 19-62	L'DIST —	* 1.65		* 61.72	* 61.72	B -724
	19	DEC 19-62	L'DIST —	* 1.98		* 63.70	* 63.70	B -724
	20	DEC 19-62	L'DIST —	* 3.19		* 66.89	* 66.89	B -724
	21	DEC 19-62	L'DIST —	* 10.87				B -724
	22	DEC 19-62	L'DIST —	* 0.94		* 77.90	* 77.90	B -724
	23	DEC 19-62	PHONE 0300	* 8.48				D - 14
	24	[redacted]	[redacted] PAID	* [redacted]	[redacted]	* 86.54	* 86.54	[redacted]

REMARKS

TRANSFER TO CREDIT LEDGER

GUEST'S SIGNATURE

CHARGE TO

ADDRESS

APPROVED BY

UNITED STATES OF AMERICA
V.
JAMES R. HOFFA, ET AL.
Gov't EXHIBIT NO. 107
Marked

[fol. 8289]

DEFENDANT'S EXHIBIT No. 113

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

TRANSCRIPT OF PROCEEDINGS

Criminal No. 13241

UNITED STATES OF AMERICA

versus

JAMES R. HOFFA and COMMERCIAL CARRIERS, INC.,

Defendants

Date Nov 1 1962

Place Nashville, Tennessee

* * * * * * *

[fol. 8290] Mr. Maher: Your Honor, on behalf of the defendant, on behalf of defendant's counsel, I respectfully and earnestly invoke the protection of this court.

The Court: On behalf of whom?

Mr. Maher: The defendant and defendant's counsel. We are now requesting this court to order the special assistance of the Attorney General of the United States; anyone acting in concert with him or them or any person to whom these two special assistants here are subject to orders, or who are capable of ordering these special assistants from in any way impeding or obstructing defense counsel in the performance of their duties before this court and as ground thereof, we state as follows, and before I get to the ground, Your Honor, I want to make this observation. We as individuals in this court room mean nothing. We are officers of this court. We are within the protection

[fol. 8291] of this court, and if we do anything wrong, if we disobey or in any way impede the course of justice, we are justly subject to severe discipline.

Conversely, so long as we are discharging our duties before this court, so long as we are discharging the administration of justice in this court, and outside of this court when intimately related to our function in this court, we are entitled to the protection of the court.

Now, I make these representations to the court and I make these representations as a tender of proof.

The first Tuesday night after I appeared in this court in the trial of this case, I was in Room 746 of the Andrew Jackson Hotel. I had been in the suite of the defendant. A call came in for me. I took it at Room 746 or 748. I picked up the telephone. There was a clear indication in my ear that the line was open. I said, "Hello, who is this?" A voice said, "This is the special switchboard."

Now, I understand and I don't know anything at all about wire tapping. I have been getting educated in the last year.

Thursday night, I was in Mr. Haggerty's room which is Room 728 of the Andrew Jackson Hotel. I picked up the telephone to call one of the other attorneys. I got a definite ring sound and then it stopped, and then I heard a voice say, "That is not Maher. Maher is in 732." Now, those [fol. 8292] two incidents, Your Honor, I can represent to the court and am willing to take an oath, happened.

Now, Isolated they may not mean anything, but in its context against other matters that have happened to me and other counsel while I was representing the defendant, are relevant as showing a course of conduct as against defense counsel in our representation of Mr. Hoffa.

[fol. 8293] In Orlando, Florida, we had a conference, a conference of lawyers, as sacred and inviolate as a man going to his preacher. We were discussing the defense of Mr. Hoffa. Fortuitiously Mr. Haggerty, the next morning, accidentally found underneath the table in his room some

sort of a device which the police electronics expert of Orlando, Florida said was a short-wave radio transmitter.

The Court: This was in connection with the Florida case?

Mr. Maher: Yes, but I am stating it in proof of a course of action which I submit we are going to demonstrate.

Yesterday, and this is where I can tie it right to the Department of Justice, since we have been in trial here, the Defendant and his counsel have gone on a few occasions to a little establishment some three or four blocks from here. We sit at a round table and we discuss the business of the trial and discuss our plans, tactics and what-not.

As your Honor will recall, yesterday we were somewhat delayed. We did not get out of here until 1:30. When we got to this little establishment—

Mr. Osborn: Corsini's restaurant.

Mr. Maher: Corsini's Restaurant has a seating capacity of some 60 or 70 people. There were about two people there. I did not notice the parties there.

We immediately entered into a discussion of this case. [fol. 8294] Within maybe five or ten minutes, Mr. Steinberg, who is Mr. Hoffa's assistant, came in and he pointed out to us a member of the Federal Bureau of Investigation—

The Court: Pardon me just one minute.

All right.

Mr. Maher: —whom he recognized as one Dick Senter, attached to the Federal Bureau of Investigation in Detroit, Michigan. He was seated with his back to us. Mr. Steinberg immediately alerted the table that he recognized this man and he was not 15 feet away from us while we were discussing the problems of this case. We then talked in a louder voice so that he would know that we knew who he was.

Now, Your Honor, I say this, and we earnestly ask the Court to protect this Defendant in his right to effective assistance of counsel. We ask this Court to protect our right to communicate with this counsel so that we may properly assist this Court in the administration of justice.

I ask this Court not for a general admonition to all parties, I ask this Court to specifically order the special assistants to the Attorney General of the United States, Robert W. Kennedy, and any one acting in concert with him, to desist from any interference of any impedence, or laying any impediment in our way in the effective assistance of counsel in discharging our obligation to this Court. I ask the Court to do it. I ask to be specific in it and if [fol. 8295] there is any violation of this, then this Court can reach out no matter where, to Washington or any place else, and bring them down here by the scruff of the neck and obey the order of this Court.

Mr. Neal: Your Honor, obviously the Court does not have to admonish. Number one, Mr. Maher said there were two occasions when he opened his line and something happened. He said that the third occasion was something that happened in Florida. There was something found in the room. No one has been able to determine how it got there or from what source it came.

The other occasion he mentioned was the fact that an FBI agent was eating in a public restaurant some table or two away from defense counsel. Now it is a funny thing about that FBI agent. That FBI agent was Mr. Dick Senter, whom I brought down from Detroit because he was the one who took the statement of Mr. Beveridge and we pointed out to Your Honor we thought we would have a hearing on that because we didn't think we would have to turn that over. We brought him down but we turned it over to Your Honor. I thought there may be some allegation made that he might have destroyed his notes or something, that is the only purpose that he is in town.

As to what Mr. Maher says about effective use of counsel, I wholeheartedly agree. If Mr. Maher could point out [fol. 8296] one instance in which any one on behalf of the Govedrn would impede the effective use of counsel, I will join him in doing whatever the Court wants to do and I will be the first one to be there. I specifically state to His Honor that I have cautioned everybody associated with me

in any possible way, shape or form to do nothing that would be in any way, any way, interfering with any of these gentlemen who are counsel and are doing a good job or the defendant or anybody else and I hereby go on record that to my knowledge there has been nothing of the sort implied by Mr. Maher. If there is, Your Honor, I join with Mr. Maher as of this moment in anything that the Court wants to do and I will make any effort that Mr. Maher suggests to find out what it is.

The Court: I understand you are representing to the Court that there has been no effort made in any way to have any wire tapped or to encroach on the privacy of the Defendant and the privacy of communications between the Defendant and his counsel; is that correct?

Mr. Neal: Your Honor, I can represent two things: Number one, to my knowledge, and I have responsibility to the case, that there has not been any of that in the slightest. Of course if something occurred that I don't know of, I can't represent any more that I have no knowledge of that in the slightest.

Number two, I can represent that I have directed any one [fol. 8297] connected with the Government not to do anything, not to even go near counsel for the Defendant or Mr. Hoffa intentionally. I can't say that they did not go to the same hotel or motel or restaurant but I can represent those two things to this Court and I do represent it and I promise this Court that I will join Mr. Haggerty any time he comes in with any evidence that any one from the Government is doing that sort of thing, because I deplore it.

Mr. Maher: Just one observation, Your Honor: I am satisfied from Mr. Neal's representation that he has no personal knowledge of this but he is part of a gigantic bureaucracy. There is a special squad in the Department of Justice directly under the supervision of the Attorney General which does not report to the FBI but reports directly to the Attorney General. Now what they do can not be attributable to Mr. Neal and he would have no knowldege of it but what information they get can be imparted to Mr. Neal as legitimate information.

Now I say this, Your Honor, and I should have said it before, that the records of the McClellan Committee, and I will show Your Honor page and number, show that the McClellan Committee have played wire-tap recordings of this Defendant in 1953 or 1954—1957—and they took those recordings and they played those recordings of those telephone conversations in public. Their excuse was the Fed-
[fol. 8298] eral Government did not do it, the State government did it, and turned it over to us. Therefore, there is nothing illegal about it.

Now, I relate that to Your Honor, in mitigation, I may say, of any onus I may have thrown upon Mr. Neal. I know, and I am satisfied that he would not do it, but he can use the results of it without knowing where it came from.
[fol. 8299] The Court: That would be true, but I understand Mr. Neal to be representing to the court that to his knowledge there has been no effort to effect any wire taps as far as the defendant is concerned during this trial.

Mr. Neal: I can go even beyond that. I can say I have been with the Department of Justice for approximately 18 months, since March 1, and I represent to this court that I have never heard in that period of time of anyone at the Department of Justice ever tapping any telephone lines, and I have been there on some cases that were fairly important, and I have never heard of that being done in the Department of Justice.

I was in the Florida case that Mr. Maher spoke of and there was something found in Mr. Haggerty's room. There is no question about it, but there has been no indication, Your Honor, that that came from the Government, not in the slightest. The FBI investigated that matter as thoroughly as anything has ever been investigated. I have been in Mr. Harwell's office off and on since the first of March of this year, and I can certainly say not at one time since I have been down here has there been in any way, shape, form, or fashion, with respect to wire tapping except the statement Mr. Haggerty made that somebody told him I played a wire recording. As far as I am concerned, the

man can answer and say whether I did it or not. That is [fol. 8300] the representation I can make to the court.

Mr. Maher: One further representation. Mr. Neal says he does not know of anything but the record of the Congressional committees will show—

The Court: That is the McClellan Committee, and that is something I have no control over at this stage.

Mr. Maher: I understand that, but I am directing my remarks to Mr. Neal's statement that he does not know of any. The records of the Congress of the United States will show that the Assistant Attorney General of the United States stated that there were 76 wire taps in operation.

Mr. Osborn: If Your Honor please, since we have this statement on behalf of Mr. Neal, and since this has come up, I think it would be my duto to state to Your Honor that I am of the opinion, based upon information which has been given to me by trustworthy people that I consider to be trustworthy that the telephone wires into our office are tapped. The latest information came to me on, I believe, Saturday afternoon. It came to me by a former Government agent who has undertaken a specialized investigative service for use preliminary to the trial. He reported two instances describing his inability to clear the line and the fact that the line would be open when picked up and advised me that our telephone lines are tapped. The name of that Government agent is Mr. John Polk. He was formerly with the Alcohol Tax Unit and if there should [fol. 8301] be any question about it we would be free to tender him where he could describe himself the incidents that he reported to me, and these things do enter into our ability to communicate with each other.

Actually, in a way it is comical because they can sit right in my office and learn nothing except of the problems we have, but at the same time it does hinder and hamper one because you are unable to communicate with other people with ease because they are fearful.

The Court: Any knowledge that you have about this last item?

Mr. Neal: I have absolutely no knowledge of this. I will be happy to call Mr. Polk to see if anyone on behalf of the Government—

The Court: I will ask you to call Mr. Polk and investigate it for both sides, and I will interrogate him.

Mr. Neal: I will be happy to call in anybody about this matter. I would like this allegation settled.

The Court: Not at this time.

Mr. Osborn: It is pertinent information and I did not want this to pass without making that disclosure to Your Honor.

Mr. Bufalino: In reference to Mr. Osborn's statement, and with reference to his telephone lines, about two weeks ago I was making a telephone call from the law library [fol. 8302] of Mr. Osborn's office. The phone number there is ALpine 5-3161. I telephoned the Teamsters International Headquarters, the main and principal office in Detroit, WOodward 1-2380. While I was talking to my secretary, she started to talk and she said, "Could you hear this?" A man said, "Who is on the line?" or words to that effect. I said, "Who am I talking to?" Fortunately, it was someone I knew. He said, "This is Bill Fontaine." I said, "Are you Bill Fontaine from Detroit?" He said, "Yes, I am." I said, "Bill, where are you?" He said, "I am at the Elbow Room." It is a dining room or tavern in Detroit. I said, "Bill, what is the phone number there?" He gave me the phone number. I made a notation. "Who are you calling, Bill?" He said, "I am calling Frank Fitzsimmons at WOodward 5-2284." This is an entirely different building. Now, there are three people on this telephone line—Bill Fontaine from the Elbow Room calling one building, I am talking from Mr. Osborn's office, calling the International Union in Detroit, an entirely different building, and three of us were talking. I made a memorandum at the time, and Mr. Fontaine and my secretary would have to verify this. I am prepared to take an oath on it.

[fol. 8303] The Court: We all know from the history of this proceeding thus far that there have been a lot of

mysterious telephone calls that we have been unable to determine the source of. I expect everyone connected with the trial has received some kind of telephone call. I can certainly state that the Court has received unexplained telephone calls. I don't believe there is any showing here that would justiry this Court in concluding that the United States Government, those duty is to uphold the law, is making any effort to impede the administration of justice in this trial. It goes without saying, and I will add the same observation I did yesterday, that if it ever came to the attention of this Court, if it should ever be proved adequately and satisfactorily that there is an effort by anyone to interfere with this Court or to interfere with the trial of this case or with this proceeding, I will deal with it most sternly and severely.

Certainly the defendant is entitled to privacy in dealing with his own counsel, and in communicating with his counsel. That right will be respected.

I have no alternative except to at this time accept the statements made to me here in open court by the United States Attorney, special assistant, that no effort is being made to interfere with the defendant in this regard, or his right to effective representation by counsel.

Recall the jury, Mr. Bailiff.

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[fol. 8304]

UNITED STATES OF AMERICA

v.

JAMES R. HOFFA, ET AL.

EXCERPT FROM EXHIBIT No. 118

On October 20, 1962 I met with Edward Grady Partin of Baton Rouge, Louisiana, as well as William Hawk Daniels, Investigator, Office of the State District Attorney, Baton Rouge, Louisiana. The meeting was held at Atlanta, Georgia, in the Dinkler Plaza Hotel, Room 1074, in accordance with prior plans.

At referenced meeting, Partin stated that he wished to assist the Justice Department in any manner possible in its investigation of the illegal activities of one James Riddle Hoffa, President, IBT. Partin said that he had contacted Hoffa on the morning of October 18, 1962 at the Essex House, Newark, New Jersey, at which time Hoffa invited him (Partin) to Nashville, Tennessee, for a meeting over the weekend. Partin said they mutually agreed to meet sometime past 1:00 p.m. on October 22, 1962. Partin stated he was to meet Hoffa at the Andrew Jackson Hotel which Hoffa indicated was to be his hotel while in Nashville, Tennessee.

[fol. 8306]

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

Criminal Action No. 13,241

DEFENDANT PARKS' EXHIBIT No. 124

AFFIDAVIT

UNITED STATES OF AMERICA,

Plaintiff

v.

JAMES R. HOFFA and COMMERCIAL CARRIERS, INC.,

Defendants.

State of Tennessee,
County of Davidson, ss.:

Edward Grady Partin, being duly sworn, deposes and says:

That, on or about November 7, 1962, James R. Hoffa stated to me in his suite in the Andrew Jackson Hotel in

Nashville, Tennessee, the following information, in substance, regarding the pending criminal case:

1. That he had the Negro male juror "in his hip pocket";

2. That a Negro business agent of his, named Campbell, had contacted this juror;

3. That the juror would not take any money but had said that he "would not vote against his own people."

/s/ E. G. PARTIN
/s/ EDWARD GRADY PARTIN

Sworn to and Subscribed before me
this 19th day of December, 1962.

/s/ JAMES L. MURPHY, JR.

My commission expires May 4, 1965

[fol. 8307]

DEFENDANT DORFMAN'S EXHIBIT No. 154

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

Memorandum

To: S. A. Andretta
Administrative Assistant Attorney General
Attn: F. A. MacFarlane

Date: July 3, 1963

Walter J. Sheridan

SUBJECT: CONFIDENTIAL FUND ITEM

In connection with the forthcoming trials in Nashville, Tennessee, it is requested that a check in the amount of $300.00 be drawn against the confidential fund beginning July 8th, made payable to A. Frank Grimsley, Jr., Attorney

in the Criminal Division. The check should be mailed to Mr. Grimsley, c/o United States Attorney, Atlanta, Georgia. He will cash the check and give this money to a confidential source.

It is also requested that a check be drawn each month through November, 1963, made payable to Mr. Grimsley and mailed as above.

[fol. 8308]

EXPENSES ONLY

1.	Residence to Atlanta, Ga. and return via Delta Airlines First Class Jet	$83.27
	and 136 miles at 10 cents per mile	13.60
		96.87
2.	Home to Birmingham, Ala. by privately owned vehicle; two round trips equalling 798 miles per round trip; 1596 miles at 10 cents per mile	159.60
3.	Home to Columbia, Tennessee; two round trips at 1062 per trip equalling 2124 miles at 10 cents per mile	212.40
4.	Home to Nashville, Tennessee and return. This trip totals 1146 miles at 10 cents per mile	114.60
5.	Sixty days per diem at $16 per day	960.00
	TOTAL	$1543.47
	Less AMT. paid to Wife	$1200.00
	Owed by Gov't	343.47

[fol. 8309]

EXPENSES ONLY

1.	Residence to Atlanta, Ga. and return via Delta Airlines First Class Jet	$83.27
	and 136 miles at 10 cents per mile	13.60
		96.87
2.	Home to Birmingham, Ala. by privately owned vehicle; two round trips equalling 798 miles per round trip; 1596 miles at 10 cents per mile	159.60
3.	Home to Columbia, Tennessee; two round trips at 1062 per trip equalling 2124 miles at 10 cents per mile	212.40
4.	Home to Nashville, Tennessee and return. This trip totals 1146 miles at 10 cents per mile	114.60
5.	Sixty days per diem at $16 per day	960.00
	TOTAL	$1543.47
	Less AMT. paid to Wife	$1200.00
	Owed by Gov't	343.47

[fol. 8310]

COURT'S EXHIBIT No. 215

Operator: (male voice) Hello.

Partin: (ah) Give me long distance, please.

Operator: (male voice) All right.

Partin: (Mumbled)

Operator: (female voice) Hello.

Partin: I want to call Washington, D. C. STerling 3-0525 Area Code 202.

Operator: (female voice) Hello.

Partin: Let me speak to Mr. Hoffa's secretary, please.

Operator: (female voice) Thank you, sir.

Secretary: (female voice) Mr. Hoffa's office.

Partin: Uh, this Ed Partin. Is is Jimmy in?

Secretary: Who's calling?

Partin: This is Ed Partin, Local number 5 in Baton Rouge, Louisiana.

Secretary: Just a moment please.

Hoffa: Hello.

Partin: Hello.

Hoffa: Hi, Ed.

Partin: How are you doing, Jimmy?

Hoffa: All right. How are you?

Partin: Pretty good.

Hoffa: On the street?

Partin: Yea, just got out—uh, Saturday.

Hoffa: I want to tell you something brother. You better be very, very careful. You're not going to get any bonds because they are really trying to cut you down.

Partin: Yea. I know that. I got some pretty damn good information they are trying to hang me under that. Ah, they're trying to talk to Burns on this.

[fol. 8311]

Hoffa: What.

Partin: The local members here and the business agents that I'm working on talked to Burns on it.

Hoffa: Uh, 150,000

Partin: Yea. Got a bonding company and all. Ah, what I was thinking Jimmy, after I get this thing straightened out today and tomorrow and everything if you get an opportunity or something, I would like to get with you and talk with you and talk this thing out.

Hoffa: Well, I'll be here all week.

Partin: You will be there all week.

Hoffa: Yea.

Partin: When would you like for me to call you? When you

Hoffa: Soon as you get up.

Partin: All right.

Hoffa: You going to call me or come up?

Partin: Well, I'll just call and ask you about, let you know when I'm coming, I'll ask you about. You know, we have got the General Chemical election coming up?

Hoffa: Yea, about that, we got a problem. Dusty wants to put that local in trusteeship and we can talk about that.

Partin: Yea, I'll tell you Dusty is the one who's going to hang me if he don't shut Chuck Winter's mouth up.

Hoffa: Shut up who?

Partin: Chuck Winter's mouth running.

Hoffa: What's he doing?

Partin: Talking to everybody that can be talked to about all these cases and everything about trying to shake Judy Al (?) and then and behind the scenes Judy Al (?) is working right with the people about trying to hang me.

Hoffa: Well, I guess I better call Winters.

Partin: Good enough. I'll call you I'll try to get things straightened out today and tomorrow and I'll give you a call and then I'll come on up.

[fol. 8312]

Hoffa: You better make sure that local is running right, and hold them together so the members know what's going on.

Partin: That's what I'm talking about; after I get everything straightened here.

Hoffa: Get around to all your members.

Partin: We got a meeting tonight along, then I'll know then after I meet with them. I'll know then you know what

Hoffa: What did they set the trial on the kidnapping?

Partin: Ah, that won't come up, Jimmy. There's nothing to that. That'll never come up. They have just another way to get me in jail and have me setting around.

Hoffa: I think it was more than that. I think it was effort to get your first bond cancelled.

Partin: Yea, that's what the attorney seems to think. And on these now the commercial loan we were supposed

to get a hold of the Federal Judge and tell him that we might run this local through fine (mumbled) and get a written statement from him and let me operate and move around like I should so he won't let them cancel, cancel the date—until then I am going to be darn careful because they are going to be watching every move.

Hoffa: Of course, you can't leave then until you get permission.

Partin: That's what I think but he's going to take and get a hold of him today, he appointed that Federal Judge. That's it then. Be seeing you.

Hoffa: Let me know when

Partin: Sure enough Jimmy.

(Conversation ends)

This is a recording of a telephone conversation that was initiated at 7:10 am on October 8, 1962 by E. G. Partin calling long distance—from room number 238 of the Holiday Inn Motel located in Baton Rouge, Louisiana, which long distance call was charged to Local Number 5 and the call was overheard by William H. Daniels of the District Attorney's Office.

[fol. 8313]

COURT'S EXHIBIT No. 216

Partin: I want this billed to my office # WAlnut 4-1757. The name's E. G. Partin P-A-R-T-I-N. I want to call Newark, NJ for the Essex House. (Interchange here—operator off line apparently connecting with the Essex House—Hoffa suite) . . . the next thing

Partin: My name is Partin. Business Agent from Baton Rouge, La. I need to talk to him on something. If I could.

Voice
(male): I'll see what he says. Baton Rouge.

Operator: Yes.

Partin: Baton Rouge, La.

Voice
(Male): Baton Rouge, La. What's your name?

Partin: E. G. Partin. P-A-R-T-I-N. Ed Partin, business agent, Baton Rouge, La.

Voice
(Male): Ed Partin. I'll see what he says now. He just had a long distance call and refused it ——— ———

Partin: Find out if I can call him back if he is not taking them now please.

Voice
(Male): Allright (but then Hoffa comes on line)

Hoffa: Who is this?

Partin: Ed. Ed Partin.

Hoffa: Yes, Ed.

Partin: I hate to interrupt you, Jim but I need to talk to you on—

Hoffa: Yes

Partin: . . . when I can see you—you'd said you'd be there on the 22nd in N'ville—what's the best day to come?

Hoffa: The 22nd I'm going to be there.

Partin: Allright.

Hoffa: I am going to be there Sunday also.

Partin: Allright. Then a . . .

Hoffa: Sunday afternoon.

Partin: Will Sunday or Monday be allright if I couldn't get the schedule out either one.

Hoffa: Right.

Partin: We won that election at General Chemical.

Hoffa: Wonderful.

Partin: 142 to 92.

Hoffa: Wonderful.

Partin: So, I wanted to let you know about that also.

(Apparently a bad connection at this point.)

Hoffa: Hello

[fol. 8314]

Partin: Hello.

Hoffa: What about Bulk Transport:

Partin: They all back to work, Jimmy.

Hoffa: Wonderful.

Partin: Lake Charles was dissatisfied but they didn't vote for it but . . . . the majority ruled on that and they are back to work.

Hoffa: Allright Ed either Monday or Tuesday at the Andrew Jackson Hotel.

Partin: Andrew Jackson Hotel.

Hoffa: Now, Monday you will have to be there after 1:00 o'clock.

Partin: One o'clock.

Hoffa: Yep.

Partin: Allright, fine Jimmy.

Hoffa: Thank you.

Partin: Thank you a lot.